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THE PLACE OF ARBITRATION AND MEDIATION IN ANCIENT SYSTEMS OF INTERNATIONAL ETHICS.

THERE can be no doubt that the Romans were very much influenced in their use of interstate arbitration by the Greeks. This statement can be made without affecting the question as to whether the actual principle of arbitration was known to them before their contact with the Greeks. Either the practice sprang up independently in Italy and Greece owing to similarity of conditions, or else it was part of the same stock of political and social ideas inherited by each race alike from common ancestors. It would be improbable if two nations of such close relationship and such similar civilisation could not have inherited so natural an idea or developed it along similar lines, and indeed the very widespread practice of arbitration in private law at Rome has none of the signs of an imported idea.

The case is more difficult with interstate arbitration. The evidence points to the view that this method of settling public disputes was only developed by Rome under the gradual effect of her constant contact with Greek diplomacy from the end of the third century B.C. onwards. Evidence for an earlier and native interest in public arbitration is scanty and doubtful. Only one serious case of its use in an interstate dispute of early times is quoted by Roman historians.¹ On the other hand, there is the institution of *recuperatores*. Most critics² agree that this tribunal for the settlement

¹ Ancient authorities are quoted according to the following editions:

Polybius, ed. Hultsch, vol. i³. 1888, vol. ii³. 1892, vol. iii. 1870, vol. iv. 1872.

Livy, ed. Weissenborn, 1885.

Dionysius of Halicarnassus, ed. Jacoby (Teubner), 1885-1905.

Diodorus Siculus, ed. Dindorf (Teubner), 1866-1888.

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Florus, ed. Tauchnitz, 1892.

Dio Cassius, ed. Boissevain, 1895-1901.

Plutarch, ed. Sintenis (Teubner), 1879, etc.

Appian, ed. Mendelssohn (Teubner), 1879.

² For *recuperatores* see Roby, *Roman Private Law*, ii. pp. 315-318, and Greenidge, *The Legal Procedure of Cicero's Time*, pp. 47-49. Hartmann (*Der ordo iudiciorum*, pp. 229-263) is the only critic who

of disputes with strangers (*peregrini*) had originally some peregrine member or members sitting on it. At an early stage, such a board of judges, by settling the all-important question of damages for raided property, must have fulfilled the function of international arbitrators in the days when wars were merely cattle-raids.¹ But as the causes and pretexts for war outgrew the primitive motive of robbery, the functions of the *recuperatores* were not enlarged to embrace other causes of international friction, but remained strictly confined to settling disputes—international in character, it is true—but only such as were concerned with questions of property. Now as the distinction between public and private law grew, such questions of property were more and more likely to be questions which concerned individuals, and not such as touched a nation as a whole. It is, therefore, not surprising to find the jurisdiction of the *recuperatores* confined almost exclusively to questions of private law; it was probably normal in the provinces, both in republican and imperial times, for private individuals to have recourse to *recuperatores*. It need not be supposed that the mixed character of such tribunals ceased to exist, because our scanty references to *recuperatores* do not happen to mention this. At any rate the cases dealt with, were chiefly, if not altogether,² of an international character. They must have lain between Romans resident in the provinces and provincial subjects, who ranked as *peregrini*. Of this nature were the frequent disputes between Roman taxgatherers and their provincial victims, such as those which form a background to the third Verrine oration. Significant also is the way in which the whole system of *recuperatores* seems to separate itself from the principles of ordinary Roman private jurisprudence. These courts had, in truth, nothing to do with the strict law which applied to Roman citizens: they rested on equity.³ It need scarcely be pointed out that this is inherent in international arbitration,⁴ which, because there are two systems of strict law available, is on that very account unable to use either of them, lest undue advantage be given to the party whose system is chosen.

Allowing, then, for a far more extensive use of *recuperatores* than happens to have been recorded, we may fairly imagine these judges to have acted as arbitrators in disputes of an international character; in early days, before the total separation of private and public affairs, they may in truth have succeeded in allaying inter-tribal feuds. The persistence of the old custom of 'demanding restitution for raided property' '*res repetere*,' as a preliminary

denies the international character of the early tribunals of *recuperatores*. With regard to the few remarks here offered on this subject, I must acknowledge much indebtedness to Professor Reid.

¹An exceedingly close parallel to *recuperatores* might be found in the border commission, which existed for a very long time to decide *re* cases of cattle-lifting, etc., on the English-Scottish border.

²Roby, *op. cit.* p. 317, denies that cases between

two private Roman citizens ever came before *recuperatores*. One party was always either a *peregrinus*, or else had his citizenship called into question.

³Where the summary procedure which was characteristic of them. *Cic. pro Tullio*, §. 10; *Gai. iv. 185*; *Plin. Epist.* iii. 20. 9.

⁴Equity is, of course, characteristic of all arbitration. *Cf. Sen. de benef.* iii. 7. 5.

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to taking up arms, showed that at some time the *recuperatores* must really have acted the part of public arbitrators in public international disputes: for, in accordance with old procedure, the question at issue, which would have resolved itself into a simple claim for damages, must have been decided before their court. In later times, as a matter of fact, the disputants never went so far, since it was perfectly well understood that the *rerum repetitio* was no longer a serious claim for damages, but a demand for submission, or, in other words, an ultimatum of war.¹

There is, indeed, a single instance recorded during the later republic, when a court of *recuperatores* was called upon to try a case, distinctly of a public nature. In 171 B.C. the inhabitants of Spain, who had been cruelly oppressed by the Roman officials, appealed to the Senate for redress. The Senate directed that five *recuperatores* should be appointed, and that the accused and the Spaniards should respectively choose Romans as *patroni* to conduct their cases.² The dispute was public and international, the Spaniards being reckoned as *peregrini*, and all the conditions that call for arbitration were there. In the decision taken by the Senate, the arbitral idea was not neglected, though not fully carried out. The mere appointment of *recuperatores* shows that something in the nature of arbitration was contemplated: further, the trials must have rested on equity and not on law, and this again followed the arbitral idea. But the mixed tribunal was given up: no Spaniard sat on the bench, which was exclusively composed of Roman senators as judges.³ This was possibly the result of intention, possibly of circumstance. It would have been difficult to make arrangements for a mixed bench: to ask one of the Spanish ambassadors to sit, would have been unjust to the defendants, for the Spaniards distinctly ranked as accusers and therefore as prejudiced parties. To summon other Spanish representatives from Spain would have meant an enormous delay in time and waste of money in those days of slow and expensive travelling, and with the annual change of magistrates at Rome, delay in bringing on a case could not be tolerated. It was probably thought that the Roman senators chosen were above suspicion, and that their character would secure a disinterested verdict; the corrupt conduct of the praetor in charge of the trials and of the advocates proved an unexpected stumbling-block.⁴

This curious hybrid procedure, by which the equity of the courts of the *recuperatores*, as followed in international cases of a *private* nature, was transferred to similar cases of a *public* nature, was the forerunner of the permanent *quaestio* afterwards set up by the *lex Calpurnia* in 149 B.C. This *quaestio* inherited from the procedure of 171 B.C. its freedom from the strict

¹ A comparison of Liv. xlii. 25. 1-13, 30. 8-11 and 36. 1-7, will show that the real or pretended readiness of Perseus to respond seriously to the *rerum repetitio* (a ceremony alluded to in the words 'nisi de iis rebus satisfacieset,' 30. 11), was altogether unexpected

at Rome, where the *rerum repetitio* was looked on not as beginning, but as ending negotiations, in fact, as an actual declaration of war.

² Liv. xliii. 2.

³ Liv. xliii. 2. 3.

⁴ *ibid.* § 11.

rules of the *ius civile*, its mixture of public and private law, the plurality of judges and to some extent the very name of *recuperatores*:¹ lastly, the choice of judges from the senatorial order persisted for many years in the *quaestio*.

This proved fatal to any idea of arbitration. The neglect to keep to the original mixed character of the bench of *recuperatores* brought its natural consequences; the senators identified themselves so completely with the Roman side in every case that all idea of a disinterested verdict faded away. The abandonment of the mixed tribunal places the history of the *quaestio repetundarum* at Rome definitely outside the sphere of arbitration, and its further course need not here be discussed.

The courts of the *recuperatores*, however, survived in their original form. Raided property, belonging to Rome and her allies, when recaptured from the enemy, was exposed for some days according to old custom, in order that the owners might claim their own goods. There can be no doubt that such claims were adjusted by *recuperatores*, though they are not expressly mentioned by name:² their activity in this respect was simply a continuation of their original functions as arbitrators for raided border-property; internationality was distinctly present in its oldest elements in the claims and counter-claims of Romans and Italians, though the latter were now transformed from enemies to allies: see Liv. iii. 10. 1, v. 16. 7, x. 20. 15, 36. 18, xxiv. 16. 5, xxxv. 1. 12. In xxvi. 30. 10, the Syracusans beg for such a restitution of property pillaged from them after the siege. There are, in addition, one or two remarkable examples of the use of *recuperatores* to arbitrate between two allies of Rome, and those not Italians but Greeks. It is a singularly rare occurrence to find definitely Roman institutions taking root in Greece or the east at any time before the imperial period. These courts of *recuperatores* were not so much adopted by Greece as extraneously imposed on her by the stronger will of her conqueror: possibly their rarity shows that the idea was not made welcome or developed: it was often connected with the distasteful conditions of a *foedus*. The difficulty in transplanting such courts to Greek soil would be that the Greeks already had their own system of arbitration. The aims and results of either system were the same, to secure an impartial adjustment of claims on pillaged property. The Greek plan was to appeal to a third and neutral power, the Roman, to draw a mixed tribunal from the representatives of either party. Such procedure was made a condition in the peace offered to Philip in 198 B.C.,³ in that given to Nabis in 195 B.C.,⁴ to the Aetoli, 189 B.C.,⁵ and to Antiochus, 188 B.C.;⁶ it amounted to an attempt to remove some

¹ Cf. Tac. *Ann.* i. 74. 7.

² All passages where the *recuperatores* are mentioned by name will be found in Roby and Greenidge, *ll. cc.*

³ Liv. xxxii. 10. 3, cf. note of Weissenborn *ad loc.*

⁴ Liv. xxxiv. 35. 6.

⁵ Liv. xxxviii. 11. 5.

⁶ Liv. xxxviii. 38. 12. = Pol. xxi. 45. 16. This clause refers to claims arising out of the war and the language is that always employed in connection with *recuperatores*. At the end of the treaty we come

of the after-friction which seemed fated to linger at the frontier of two Greek nations recently hostile, by imposing the proved and successful methods of Roman *recuperatores*.

The Romans did not avail themselves of that other means of securing a disinterested verdict, which consists of an appeal to an outside party. They neither invited members of a third city to sit among the *recuperatores*, nor did they put cases in the hands of such a city to be decided by an entirely independent commission of its citizens. This—the appeal to an entirely neutral power—is the most popular form that public arbitration has taken both among ancient and modern nations, and it is the history of this form of public arbitration, especially among the Romans, that forms the chief subject of this paper.

This type of interstate arbitration reached a high degree of development among the Greeks, and has naturally been the subject of considerable modern research.¹ The most important cases in Roman history, on the other hand, have only lately been collected and investigated by M. de Ruggiero.² He divides Roman public arbitration into three classes—'international,' 'federal' and 'administrative.' In cases where Rome arbitrated between two nations, whose independence she acknowledged—in most cases this would be between two of her *amici*—the arbitration would be 'international': where she arbitrated between two states, each of whom was bound to herself by a *foedus*,

across provisions which were meant to apply permanently: the reference to *recuperatores* is not so clear: possibly the Greek form of arbitration (appeal to a neutral power) was contemplated. The words are, in Pol. xxi. 45. 26, 'περὶ δὲ τῶν ἀδικημάτων τῶν πρὸς ἀλλήλους γιγνομένων εἰς κρίσιν προκαλεῖσθαι.' App. res Syr. 38, 39, misses out this clause. Liv. xxxviii. 38. 17 adds to it, thus: 'controversias inter se iure ac iudicio disceptanto, aut, si utrisque placebit, bello.' This is sometimes quoted (e.g. in Dar. et Sagl. *Dict. d. Antig. s.v. amicitia*) as evidence that Rome recognised arbitration between her *amici* and herself; this necessitates taking 'utrisque' and 'inter se' of the same persons, namely, Antiochus and Rome, and reduces the whole sentence to nonsense, since the last half flatly contradicts the first. Professor Reid suggests that 'utrisque' refers to Antiochus and Rome, 'inter se' to Antiochus and the Asiatic cities: the clause then follows quite logically on the one preceding it, 'si qui sociorum populi Romani (= the Asiatic cities) ultro bellum inferent Antiocho, uim ui arcendi ius esto, etc.' = Pol. §§ 24, 25. The two clauses, taken together, provide Antiochus with the right of self-defence, if attacked by the cities, but reserve to Rome a right *eo* veto any offensive war against them, as they were under her protection. This explanation agrees with the language of Polybius, who uses 'ἀλλήλους' of the two parties who are to submit to arbitration, but in speaking of Antiochus and Rome he changes to 'ἀμφοτέρωθεν,' § 27.

I cannot here refrain from referring to a most interesting passage in Menander Protektor 212, though the date of the events mentioned places it outside the scope of this paper. In the conditions of the peace between Justinian and Chosroes, 562 A.D., are found clauses regulating the commerce on the frontier and possible quarrels arising out of it; the analogy to the old courts of *recuperatores* is remarkable. Mixed tribunals, drawn from Persian and Roman provincials living on the frontier, is the leading feature; further, equity, and not law, is to rule all cases, and the fulfilment of the verdict rests on the executive power of the government, as in the *iudicium recuperatorium* it had rested on the *imperium* of the praetor: finally, non-fulfilment of the verdict becomes a *casus belli*, as in the oldest days were 'res non redditae ex foedere.' The text of these clauses and an interesting commentary will be found in Karl Güterbock, *Byzanz u. Persien in ihren diplomatisch-völkerrechtlichen Beziehungen im Zeitalter Justinians* (Berlin, 1906), p. 83 sqq.

¹ The most recent publication is a thesis by Victor Bérard, *De arbitrio inter liberae Graecorum civitates*, Paris, Thorin, 1894. Some of his conclusions are disputed by W. L. Westermann in *Interstate arbitration in antiquity*, *The Classical Journal*, March, 1907, University of Chicago Press.

² *L'Arbitrato pubblico in relazione col privato presso i Romani*, *Bullettino dell' istituto di diritto Romano*, 1892, pp. 49-443.

i.e. were not truly independent, it would be 'federal': where between two cities wholly under her power, *e.g.* two cities of a province, it would be 'administrative,' or, in other words, it would come under the ordinary business of administering a province.¹

M. de Ruggiero states that the first of these three kinds—'international' arbitration—was adopted by the Romans from the Greeks.² 'Federal' arbitration, however, was known to the Romans from much earlier times.³ In any case, M. de Ruggiero is not immediately concerned with the source of public arbitration as used by the Romans, but devotes himself, in the first place, to a thorough and exhaustive comparison of the principles of public and private arbitration from the point of view of Roman law, and, in the second place, to collecting for the first time and analysing most of the extant cases of Roman public arbitration, especially those known to us from inscriptions. His examples, with one exception,⁴ are not dated earlier than 195 B.C. By this time Rome had been under the influence of Greek ideas for at least fifty or sixty years, if not longer. Another point to notice is that in all his examples Rome is the arbitrating, not one of the two appellant powers.

It therefore seems worth while to consider some cases of arbitration, and especially of attempted arbitration, which occur earlier in Roman history, and which illustrate the transition stage, when the Greek practice was influencing Roman ideas so largely. The examples given will, for the most part, be limited to those cases where Rome was not the arbitrating state, but one of the appellants, and it will be found that this is an important distinction. The general result will be to show that the Romans did not practise the most usual forms of public arbitration before they met the Greeks, that, even when familiarised with it by their intercourse with Greece, they refused to apply it to themselves and to submit their own disputes with another nation to the judgment of a neutral power as arbitrator, that they were very willing, nevertheless, to act as arbitrators to other nations, though even in these cases they introduced important modifications and restrictions.⁵

1. Several instances quoted, or rather invented by Dionysius of Halicarnassus, need not be considered at length. They are inserted to give his work its obvious moral character. The only point worth noticing is that these embellishments are drawn from sources admittedly Greek. The whole tendency of the work is, of course, to Graecise Roman history, but in these cases the loan from Greek ideas is expressly emphasised: *cf.* iv. 25, 26, where Servius Tullius develops the informal attempts at arbitration made by Numa Pompilius (ii. 76. 3), by convening delegates from the Latin towns to form, together with the Roman

¹ p. 84 *sq.*

² pp. 100, 102.

³ p. 126.

⁴ The case of Aricia and Ardea, for which see *infra* p. 247.

⁵ *Cf.* some remarks in a paragraph by Westermann,

op. cit. p. 207. 'Despite the fact that the Senate in the second century B.C. often acted as arbiter for the Greek states, the Roman republic did not acknowledge the principle of arbitration when it was applied to itself.'

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Senate, a tribunal for arbitration: this he is supposed to do, on the model of the Greek Amphictyonic assemblies.¹

In v. 61 it is the Latins who wish to judge the alleged Roman injustices against Aricia. As, however, they identify themselves from the very outset with the Arician cause, their attitude is hardly that of the arbitrator. In fact, their offer of arbitration was only made as a pretext, 'ἵνα εὐπρεπεῖς δόξῃσι ποιεῖσθαι τὰς τοῦ πολέμου προφάσεις' (§ 4). Again Greek history is the model for this incident; such false offers of arbitration were very frequent among Greek States.² Dionysius makes the Romans refuse arbitration; this is consistent with their attitude in historical times.

In the legend of Porsena (v. 32 *sq.*)³ there is this difference, that Rome herself appears as asking for arbitration between her own cause and that of the Tarquini. The treacherous attitude of the Tarquini induces Porsena to decide for Rome. The falseness of this legend is obvious; it is part of the attempt of ancient Roman historians to draw a veil over the relations between Rome and Etruria, which, whatever they were, were very much to the detriment of Rome.

The instances of arbitration in Dionysius may therefore be dismissed as not serious.

2. In 446 B.C., Rome is asked to arbitrate between Aricia and Ardea: the Roman plebs insist on adjudging the land in dispute to themselves. Liv. iii. 71, 72, *cf.* iv. 1. 4, 7. 4-6, 11. 2-7; Dion. Hal. xi. 52.

This instance is quite isolated in point of view of time. There is no parallel to it until the second century B.C., *i.e.* after communication between Greece and Rome had been fully established on a large scale for some time. It is also isolated in attributing the office of arbitrator to any section of the Roman community except the Senate or its delegates. If, nevertheless, it is accepted as an historical instance,⁴ it simply shows that the idea of interstate arbitration was not unknown to the Italians, but was most certainly unused: for by its very isolation it throws up all the more startlingly the long stretch of years on either side of 446 B.C. which yield no example whatever of public arbitration in connexion with Rome. But the story bristles with difficulties, the chief of which is the mention of the action of the plebs in international affairs at such an extremely early date.⁵ It has therefore been rejected by most modern historians on quite other grounds than that of the introduction of arbitration into the account.⁶ Whatever kernel of fact may underlie the legend, whether

¹ As a matter of fact, the Amphictyonic assemblies were not used by the Greeks as arbitrating tribunals. See Ruggiero, *op. cit.* p. 96, and Westermann, *op. cit.* p. 205.

² See p. 254.

³ The incident is repeated in Plutarch, *de mul. virt.* 14, and *Popl.* 18. Zonaras vii. 12. c.

⁴ Ruggiero accepts this instance (*op. cit.* pp. 157, 317), and perhaps also something of what Dionysius says (p. 126), as probably historical.

⁵ For a full discussion of these difficulties, see

Zoeller, *Latium und Rom*, p. 253 *sq.* If one could accept the substance and date of Polybius' first treaty with Carthage, the story would be distinctly discredited, as he there makes Ardea subject to Rome in 509 B.C.

⁶ Mommsen, as Ruggiero points out, accepts it in his *Roman History* (*R.G.* i⁷. p. 345), but rejects it in his *Staatsrecht* (iii. p. 325, n. 2), suggesting that it was an invention of the patricians to prove how dangerous it was to leave such decisions to the plebeians.

a struggle for a particular piece of land, whether the beginning of the *foedus Ardeatinum*, the idea of arbitration seems to be one of the most difficult, as well as one of the least essential, parts of the story.

Moreover, exactly the same story is repeated in quite a different case, that of the arbitration of Q. Fabius Labeo between Nola and Naples.¹ It reads very like one of those moral anecdotes which hover about ancient history, belonging neither to any particular nation nor to any particular date.

3. It is said by Livy that at the beginning of the Second Samnite war in 327 B.C., the Romans challenged the Samnites to submit the dispute to arbitration: 'cum Romanus legatus ad disceptandum eos ad communes socios atque amicos vocaret, etc.' The Samnites indignantly reject the idea: 'nostra certamina, Romani, non verba legatorum nec hominum quisquam disceptator, sed campus Campanus in quo concurrendum est arma et communis Mars belli decernet.'²

There seems to be here a Greek working-over of Roman tradition, made by one of the many Greek or Graecising writers of the third and second century B.C. For to refuse to submit a dispute to arbitration was, among the Greeks, considered an impiety,³ while to the Roman annalists any suggested impiety on the part of the opponents of Rome was welcome material.

For there runs throughout Roman history a belief quite extraordinarily strong that success in arms depended on the righteousness of the war—not righteousness as regards the justice of the interests involved or the claims advanced, but in the sense of having scrupulously fulfilled all the formal and ceremonial obligations owed to the other side, most especially those involved in the due declaration of war. Hence came the whole idea of the *iustum piumque bellum* and the precautions taken to carry out the proper ceremonies in declaring it. These ceremonies contained a declaration that Rome had fulfilled the conditions—generally contained in a *foedus*—binding on her, while the enemy was said to have neglected them: finally, there was an appeal to the gods to decide in favour of those in the right.⁴ A large mass of the Roman people undoubtedly believed in this appeal. In early times the belief must have been at least as strong as the belief of the Middle Ages in trial by ordeal: in later times it had a negative rather than a positive force, in making the nation as a whole most unwilling to undertake any war except one which was *iustum piumque*. References to this belief are most frequent in Roman literature, especially in Livy, which shows how strongly it was held as late as the time of Augustus. Here are a few passages:

(a) Liv. iii. 2. 3. Nuntiare iussit Q. Fabium consulem dicere, se ex Aequis pacem Roman tulisse, ab Roma Aequis bellum adferre eadem dextera armata, quam pacatam illis antea dederat. quorum id perfidia et periurio fiat, deos nunc testes esse, mox fore ultores.

¹ Cic. de off. i. 10. 33, cf. Val. Max. vii. 3. 4.

² Liv. viii. 23. 8.

³ I content myself with repeating Westermann's

references to Thuc. i. 78. 4, 85. 2, 140. 2; vii. 18. 2.

⁴ Liv. i. 32.

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(b) Liv. iii. 25. 8. Et haec sacra quercus et quidquid deorum est audiant foedus a vobis ruptum nostrisque et nunc querelis adsint et mox armis, cum deorum hominumque simul violata iura exsequemur.

(c) Liv. v. 51. 10. In hostes qui caeci avaritia in pondere auri foedus ac fidem fefellerunt, uerterunt (dii) terrorem fugamque et caedem.

(d) Liv. vi. 29. 2. Adeste, di testes foederis, et expetite poenas debitas simul uobis uiolatis nobisque per uestrum numen deceptis.

(e) Liv. xxi. 10. 8 (Speech of the pro-Roman Carthaginian). Sed Tarento, id est Italia, non abstineramus ex foedere . . . uicerunt igitur di homines, et id, de quo uerbis ambigebatur, uter populus foedus rupisset, euentus belli, uelut aecus iudex, unde ius stabat, ei uictoriam dedit.

(f) Liv. xxi. 40. 10 (Scipio to his men). Ac nihil magis uereor, quam ne, cum uos pugnaueritis, Alpes uicisse Hannibalem uideantur. Sed ita forsitan decuit, cum foederum ruptore duce ac populo deos ipsos sine ulla humana ope committere ac profligare bellum, nos, qui secundum deos uiolati sumus, commissum ac profligatum conficere.

(g) Liv. xxvi. 8. 5. Romam cum eo exercitu, qui ad urbem esset, Iouem, foederum raptorum ab Hannibale testem, deosque alios defensuros esse.

(h) Liv. xxviii. 44. 6 (Scipio before leaving for Africa). Laetiores et frequentiores Africa expectate nuntios, quam ex Hispania accipiebatis: has mihi spes subicit fortuna populi Romani, di foederis ab hoste uiolati testes.

(i) Liv. xxx. 42. 20. Senatorem unum infestum perfidiae Carthaginensium succlamasse ferunt, per quos deos foedus icturi essent, cum eos, per quos ante ictum esset, fefelissent: 'per eosdem,' inquit Hasdrubal, 'quoniam tam infesti sunt foedera uiolantibus.'

(j) Liv. xxxix. 36. 12. Pro uobis igitur iustum piumque bellum suscepimus . . . quod . . . dii quoque ipsi comprobauerint, qui nobis uictoriam dederint.

(k) Liv. xlv. 22. 5. Certe eidem uos estis Romani, qui ideo felicia bella uestra esse, quia iusta sint, prae uobis fertis, nec tam exitu eorum, quod uincatis, quam principiis, quod non sine causa suscipiatis, gloriamini.

(l) Flor. iii. 11. 5 (Crassus has refused to respect the 'foedus' made between Pompeius and Orodes). Itaque dii foederum ultores nec insidiis nec uirtuti hostium defuerunt.

(m) Prop. iv. 6. 51. Frangit et attollit uires in milite causa, | quae nisi iusta subest, excutit arma pudor.

(n) App. *Res Hisp.* 83. "Ὅθεν ἔφη καὶ τὸν πόλεμον τόνδε, παρὰ τὰς συνθήκας ἐκείνας (the *transio Numantina*) ὑπὸ Ῥωμαίων ἐψηφισμένον, ἀπαίσιον αὐτοῖς γεγονέναι.

(o) App. *Res Pun.* 60 (Speech). Εἰ δέ τις . . . δίδωμι μὴ καὶ νῦν τὰς σπονδὰς παραβῶσιν οἱ Καρχηδόνιοι, μάλιστα μὲν εἰκὸς αὐτοῖς ἤδη σπονδῶν φυλακῆς αἰσθανίσθαι, πολλὰ ἐκ τῶν παραβάσεων παθόντας, καὶ τὴν εὐρίθειαν ἐς τὸ μέλλον ποιήσεσθαι περὶ πολλοῦ, ἐξ ἀσβεβείας ἐς γόνυ πεσόντας. cf. ch. 62.

(p) App. *B.C.* iv. 97 (Speech of Cassius). Μεγίστη δὲ ἐλπὶς ἐν πολέμοις ἐστὶ τὸ δίκαιον: *ibid.* 99, θεοὶ ὅσοι πολέμων δίκαιων δεσπόται.

(q) App. *B.C.* v. 80. ἐπιτολαζούσης δὲ ὑπονοίας ἐτι ὡς παρασπόνδους ὁ πόλεμος ὁδε γίγνοιτο, τὴν ὑπόνοιαν ὁ Καῖσαρ ἐκλύων ἐπίστελλε τῇ πόλει καὶ τὸν στρατὸν αὐτὸς ἰδίδασκεν ὅτι τὰς σπονδὰς ὁ Πομπήιος (Sextus Pompeius) ληστέων τὴν θάλασσαν ἀναλύσει. Cf. ch. 92, καὶ τοῦ δήμου περὶ συμβάσεων αἰθῆς ἐνοχλήσαντος καὶ τὸν πόλεμον ἐπιτωθάζαντος ὡς παράσπονδον, and ch. 100, περθόμενος (Πομπήιος) οὐκ ἄνευ θεοῦ εἰς οὕτω θέρους παῖσαι τοὺς πολέμιους.

(r) Diod. Sic. xxviii. 3. οἱ δὲ Ῥωμαῖοι καὶ τότε (Second Macedonian war and war with

Antiochus) καὶ μετὰ ταῦτα δίκαιους ἐνιστάμενοι πολέμους, καὶ πλείστον ὄρων καὶ σπονδῶν ποιούμενοι λόγοι, οὐκ ἀλόγως συμμάχους εἶχον τοὺς θεοὺς ἐν ἀπάσαις ταῖς ἐπιβολαῖς.

(5) Diod. Sic. xxxii. 18. 'Ὅτι ὁ τῶν Ῥωμαίων ἑπατος Καλπούρνιος δι' ὁμολογίας τινὺς τῶν πόλεων εἰληφῶς κατέσκαψεν, οὐδὲν τῆς πίστεως φροντίσας: διότι ἐν ταῖς ἐπιβολαῖς ἀπιστοίμενος ἀπεγύχχανεν, ὥσπερ δαιμονίου τινὸς ἀντιπράττοντος: εἰς πολλὰς γὰρ ἐπιβολὰς διςπεριτέκτους ἔσχε τὰς πράξεις.

It is only in very late authors that we find the suggestion expressed, that breach of international faith does not necessarily bring disaster: cf. Orosius iii. 15. 7 on this very Samnite war, and such passages as Dio Cassius, *fr.* 36. 21, 'τὸ γὰρ δίκαιον οὐκ ἐκ τοῦ ὁμοίου τῷ νομιζομένῳ καὶ ἐν τοῖς ὅπλοις ὡς πλῆθει κρίνεται, οὐδ' ἀνάγκη τίς ἐστί νικᾶν τοὺς ἀδικουμένους, ἀλλ' ὁ πόλεμος αὐτοκράτωρ ὦν τὰ τε ἄλλα πρὸς τὸ τοῦ κρατοῦντος συμφέρον τίθεται καὶ τὴν τοῦ δίκαιου νόμισιν ἐς τοὐναντίον πολλάκις περιστήσιν'; cf. *fr.* 46. 2. But even Dio Cassius attributes the conventional view to his characters in their speeches, cf. xlv. 45. 1, Antony's speech after Caesar's death, 'ἐπεὶ δὲ τὸ δαιμόνιον δικαιοτάτα τὴν μάχην' (Pharsalia) ἔκρινε'; l. 24. 1, Octavianus' speech to his troops before Actium.

These and similar passages show that the Romans, under the influence of their formal and ceremonial religion, exaggerated an idea natural to all peoples, namely, the rightness of the cause for which they fight, into a strong, popular belief that a war, if correctly declared, was sanctioned by the gods and must therefore, as *iustum piumque bellum*, necessarily be victorious. Unconsciously they falsified their history in order to make it agree with this preconceived idea. For instance, there can be no doubt that the incident of Saguntum has been twisted and turned by Roman historians to throw the blame of opening the Second Punic war on the Carthaginians; thus the final success of the Roman arms was assured, while at the same time the delay of seventeen years before this victory was vouchsafed by the Gods was attributed by moralists to the criminal indifference shown by the Romans in 219 B.C. towards the Saguntines, who were their allies, and therefore ought to have been defended. The greater sin of the Carthaginians was followed by the greater punishment, total defeat, while the lesser sin of the Romans was followed by the lesser punishment, invasion of Italy, and so everything is balanced neatly in the account.

Polybius¹ tells us of the chronic quarrel between Roman and Carthaginian historians about allotting the blame for the Punic wars. Had we earlier records we might find traces of a similar quarrel between Romans and Samnites, but in the only extant records, which are not only late but also exclusively Roman, the Roman account has more or less completely ousted the Samnite. There is a very strong tendency in these late accounts to throw the blame of the Samnite wars on the Samnites; in no other way could the final success of the Roman arms be explained and vindicated.

During the First Samnite war, various Roman victories were recorded; it was therefore necessary to make the Samnites, who were the sufferers, also the sinners. Livy does this fairly completely in his account of the opening of the war. In his view the Samnites were guilty of a flagrant violation of

¹ Pol. i. 14.

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² viii. 2.
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⁶ ix. 1.
⁷ viii. 3.

international rights in continuing the attack on the Campani after the latter had become *dediticii* of Rome.¹ He sums up their sin and their repentance after the war in the sentence, 'quoniam ipsos belli culpa sua contracti tedium ceperit.'²

The subject is more fully worked out in the Second Samnite war. The Livian account may be divided into three periods. The blame of opening the war rests on the Samnites, as usual. The *foedus*, which had been renewed in 341 B.C.,³ had been again broken by the Samnite interference in the struggle with Palaipolis.⁴ Restitution is demanded by Rome and refused by the Samnites. (It is at this point that arbitration is offered by Rome.) The blame of opening the Second Samnite war is therefore made to rest entirely on the Samnites,⁵ as they themselves are made to acknowledge.⁶

The second part of the war opens with a desperate effort made by the Samnites to retrieve their position in the eyes of the Gods. Full satisfaction is offered to Rome for the broken *foedus* and the dead body of Brutulus Papius delivered up. But the Romans refuse to conclude a peace except on extremely hard conditions.⁷ It is here important to consider whether the Romans were guilty of a breach of international law in so doing, and whether the disaster of the Caudine Forks was the punishment for such a sin. Livy's own narrative does not give colour to such a view. What he allows his readers to infer is that the Romans had been guilty of undue harshness and pride—'*superbia*'; the Caudine Forks, with its *sub iugum missio*, was pre-eminently suited as a punishment to humble their pride.⁸ This '*superbia*,' however reprehensible from a moral point of view, did not invalidate, so to say, the original legality of their cause: the war was still *iustum piumque* for them, and the Samnite general Pontius was obliged to fall back on the desperate view that necessity could make a war *iustum piumque*.⁹ This was quite an unorthodox idea, for one thing alone could produce that condition, namely, the breach of the *foedus* by the enemy and their subsequent refusal to make restitution on the demand of the fetials (*res ex foedere repetitae*), followed by the proper declaration of war (*clarigatio*). According to strict law and right, the Samnites could only reinstate themselves in the favour of the Gods by acceding to all the demands of the Romans, however unjust.

The Romans having been punished for their pride by the humiliation of being forced to pass beneath the yoke, the third phase of the war begins. Livy takes a great deal of trouble to explain that the Romans had acted rightly and religiously in disowning the *sponsio* of the Caudine Forks.¹⁰ In refusing

¹ Liv. vii. 31. 7-32. 1. and viii. 2. 1-3.

² viii. 2. 2.

³ viii. 2. 1-4.

⁴ viii. 23. 1.

⁵ viii. 39. 10-14, cf. 37. 2 for the breaking by the Samnites of some *indutiae*.

⁶ ix. 1. 3.

⁷ viii. 39. 10-14; ix. 1. 1-2. 1.

⁸ Even Appian, who, in his account of this war (*Res. Samn. fr.* 2-5), takes a much more unfavourable view of the Roman dealings, and makes them announce an '*ἀέθροκτον ἀσπονδον τῶλεμον*,' only blames them for '*μεγαληγορία*' = *superbia*, 4. 2.

⁹ ix. 1. 10.

¹⁰ ix. 5. 1, 8. 6, 9. 19.

to receive the Roman general and officers as *dediti* in full satisfaction, the Samnites were guilty of much the same *superbia* as the Romans had shown in refusing to receive the body of Papius as *deditum*, and they were subsequently punished in exactly the same way, by being sent beneath the yoke.¹ Their action did not amount, any more than had that of the Romans, to a religious sin, but only to a moral one. The Romans, therefore, when they renounced the *sponsio*, reverted to the same state of *iustum piumque bellum* that they had enjoyed before the *sponsio* was made; cf. the words of the Roman general Spurius Postumius, 'dedamur per fetiales nudi uinctique; exsoluamus religione populum, si qua obligauimus, ne quid diuini humanie obstat, quo minus iustum piumque de integro ineatur bellum'.²

This explains the stress laid in the Livian account on proving that the *pax Caudina* was a *sponsio*, not a *foedus*; without such an assumption the reasoning could not be carried out. The older (and undoubtedly truer) view was that a *foedus* had been concluded and subsequently slipped out of by Rome by the surrender of the officers. This view was widespread among the Roman annalists, as Livy himself tells us.³ They were thus faced by an awkward situation. If the Romans had broken the *foedus*, undoubtedly the only logical consequence according to the *fetiale ius* was the punishment and defeat of the Romans. Livy, or the source which he followed, triumphantly solved the problem by denying the *foedus* altogether and substituting the *sponsio*.⁴ Having cleared the Roman character, he could allow the Romans to be finally victorious without a pang.⁵ The older annalists were not quite so ingenious or perhaps not quite so bold. They admitted the *foedus* and its breaking off by Rome, or, in other words, they admitted that Rome had sinned.

But they proceeded to get rid of the consequences of sin by inserting an incident, which is as astounding as it is immoral, and yet which very likely really took place. As soon as the Roman fetial had finished the formula of the *deditio* and placed Spurius Postumius at the disposal of the Samnites, the latter, on the ground that he was now a Samnite and no longer a Roman, turned round and deliberately kicked the Roman fetial who had brought him, in order that by this outrage of a Samnite on the sacred person

¹ Liv. ix. 15. 5. 6. 8.

² ix. 8. 6.

³ ix. 5. 1 *sqq.* Cf. the note of Weissenborn *ad loc.*

⁴ As the same argument of the *sponsio*, based on the general principle that no magistrate has the right to bind the community without its sanction, did duty on the occasion of the struggle with Numantia in 133 B.C., it is perhaps possible that it was first quoted or first popularised in connexion with the Caudine incident at that time. It is very usual to find the influence of later historical events traceable in Roman legend.

⁵ At this point the *sponsio* tradition and the *foedus* tradition join hands together again. These patriotic annalists were really quite artistic in their complete-

ness. The Roman victory is postulated for the very next year: the Samnites suffer the very same punishment as the Romans—the *sub iugum missio* (ix. 15. 6): the Samnite general Pontius is included, like the Roman general, in the disgrace of his army (§ 8): the town to be relieved is the same—Luceria (2. 3-6 and 12. 9): the very district of the battle is the same, near Caudium (15. 10): all the booty and standards captured by the Samnites are recovered, as well as the 300 hostages (15. 7). All this was the veriest invention of the annalists, who did not even agree among themselves as to the details of their poetic justice: cf. 'in annalibus . . . obscurum esse' (15. 8. 9).

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of the Roman ambassador, might be renewed a state of *iustum piumque bellum* for Rome! 'Haec dicenti fetiali Postumius genu femur quanta maxime poterat ui perculit et clara uoce ait se Samnitum ciuem esse, illum legatum fetialem a se contra ius gentium uiolatum: eo iustius bellum gesturos.'¹

Livy himself tells us this story, but as his more cultivated moral sense revolted against this crude sort of justification, he discarded it for the more seemly *apologia* of the *sponsio*.² His whole treatment of the incident is hesitating and doubtful. The speech in which the Samnite Pontius pours scorn on 'this mockery of religion' and 'these childish evasions'³ is one of the finest in Livy, whose obvious sympathy with the Samnite grievance peeps out between every word. His final comment on the story halts between the old religious view and the later, more acutely moral, one: 'Postumius and his companions could now be reckoned absolved of their personal pledge, perhaps also the state of its public one.'⁴

Enough has been said to show what an extremely strong champion Livy was for the purely national Roman account of the history of the Samnite wars. He sums up his view in the cruel phrase, 'deos immortales . . . iratos adesse (Samnitibus) propter totiens petita foedera, totiens rupta.'⁵

To return to our original starting-point—the arbitration offered by Rome to Samnium. Taking into account the Roman way of treating history—so uncompromisingly followed in their treatment of the Samnite wars⁶—it is easy to see the motive for inserting this suggestion at this point. Some Greek or Graecising annalist had tried to reinforce the rather scanty case against the Samnites by making them refuse arbitration; in exactly the same way he makes the Romans refuse a Samnite offer of arbitration just before the disaster of the Caudine Forks.⁷ It was an attempt to incorporate the Greek idea as to the impiety of refusing arbitration in the Roman scheme of sin and punishment. But this Greek idea as to arbitration was alien to the Roman mind, and did not take firm hold in the narrative. The supposed fact remained enclosed in the tradition, but the suggestion of impiety that it was meant to convey was soon lost. So we find the allusions to arbitration retained as meaningless accretions in Livy's otherwise strictly logical scheme of sin and punishment. The fact that these references to arbitration are not homogeneous with the rest of Livy's scheme is the best argument for refusing arbitration a place in the Roman system of international law and right.

4. In the last case we had to do with references contained in speeches, which were admittedly manufactured by Livy, and where anachronisms and

¹ Liv. ix. 10. 10, cf. 11. 11. 'eo uobis iustum in nos factum esse bellum.'

² This version of the *sponsio* is apparently accepted by Cicero as satisfactory from a moral point of view: *de off.* iii. 30. 109.

³ ix. 11. 1-13.

⁴ ix. 11. 13, et illi quidem forsitan et publica, sua

certe liberata fide, ab Caudio in castra Romana inuolati redierunt.

⁵ x. 39. 15.

⁶ For a criticism of the tradition of the Samnite wars see Pais, *Storia di Roma*, i. 2. p. 226 sq. and 468 sq.

⁷ ix. 1. 7.

Greek influences would find a hold with very little difficulty: in the next case—also drawn from the Second Samnite war—we have to do with narrative. The incident has not undergone any Graecising revision, and shows with the greatest possible clearness the national Roman point of view and its disregard for arbitration.

In 320 B.C. the Greek city of Tarentum is said to have offered herself as arbitress between Rome and Samnium.¹ The Romans utterly reject arbitration, not without circumstances of treachery, and the Roman general expresses the utmost contempt for the idea.² *Yet this contempt is not followed by divine wrath, but by victory.* Nay, in the very moment of treacherously attacking the Samnites, who in the expectation of a settlement had laid aside their preparations, the Roman general claims to have the favour of the Gods: 'auspicia secunda esse, Tarentini, pullarius nuntiat, litatum praeterea est egregie: auctoribus diis, ut uidetis, ad rem gerendam profisciscimur.'³ If historical, the incident completely proves the Roman indifference to arbitration at this period, as had been inferred from the last case; if not historical, it proves almost as much, namely, the attitude of mind of Livy and of his sources—the annalists. Had they been familiar with arbitration as part of international morality, their piety and their unbounded historical inaccuracy could hardly have resisted the temptation to provide some punishment for the general. Whether historical or not, this case equally well shows that where the Greek view (e.g. Tarentum) considers arbitration the natural course, the Roman view rejects it.

5. In Plutarch⁴ it is related that Pyrrhus, wishing to gain time for the collection of reinforcements, proposed himself as arbitrator between the Romans and Tarentines. The passage gives a good illustration both of the Greek and Roman view of arbitration. With Pyrrhus the Greek it is an unworthy but normal means for securing time to his own advantage. It is disheartening to find it so often abused by the Greeks in this way. M. Berard⁵ has pointed out that it became quite a recognised custom to interpolate arbitration for unworthy purposes. The Roman general, Labienus, gives an unqualified and rather contemptuous refusal to the proposition, coupling with it the assertion that the Romans were not afraid of meeting Pyrrhus on the field of battle, as though the suggestion of settling the quarrel by arbitration had been a reflection on the Roman courage: 'ἀποκρινάμενου δὲ τοῦ Λαιβίνου μῆτε διαλλακτὴν Πύρρῳ αἰρεῖσθαι Ῥωμαίους μῆτε δεδοικέναι πολέμον, κ.τ.λ.'

6. The next case—an alleged abortive attempt at arbitration during the

¹ Liv. ix. 14. 1-16.

² *Ibid.* § 5.

³ *Ibid.* § 4.

⁴ Plut. *Pyrrhus* 16. The case is quoted by M. Berard, *op. cit.* p. 38.

⁵ *Op. cit.* p. 105. 'Quotiescumque arbitrum permittebant, non hoc illis propositum erat ut litem aequae finirent pacemque et amicitiam inter se renou-

arent. Sed aut bello lassati breues inducias sperabant, quibus vires fessas restituere, socios vel mercenarios conducere, et exercitu iam refecto bellum ex integro restaurare possent, aut exorta inter Graecos noua quadam auctoritate, ad hanc non ut ad arbitrum sed ut ad ultimum ultoremque confugiebant.'

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First Punic war—marks an advance into a period where the unbiased record of Polybius gives us some means of checking the usual Roman narratives. The account of the attempted arbitration—or perhaps it was more in the nature of mediation—is given in Appian, *Res Sic.* 1, 'Καρχηδόνιοι δ' ἐς Πτολεμαίων ἐπρεσβεύοντο, τὸν Πτολεμαίου τοῦ Λάγου, βασιλέα Αἰγύπτου, δισχίλια τάλαντα κικρώμενοι: τῷ δ' ἦν ἔς τε Ῥωμαίους καὶ Καρχηδονίους φίλια, καὶ συναλλάξαι σφῶς ἐπεχείρησεν ἀλλήλοισ' οὐ δυννηθεὶς δ' ἔφη χρῆναι φίλοις κατ' ἐχθρῶν συμμαχεῖν, οὐ κατὰ φίλων.' Was it the Romans who as usual refused to accept arbitration as the proper way of settling a quarrel? It may be thought that this cannot be taken for granted, because in another passage Appian says that it was the Romans themselves who sent arbitrators to reconcile the revolted mercenaries to Carthage: 'ἐπεμψαν δὲ (οἱ Ῥωμαῖοι) καὶ διαλλακτῆρας, οἷς οἱ Λίβυες οὐχ ὑπήκουον, ἀλλὰ τὰς πόλεις ἐδήλωσαν ὑπηκόους εἶναι Ῥωμαίων, εἰ θέλοιν· οἱ δ' οὐκ ἐδέξαντο':¹ and again, 'ἐπεμψαν δὲ (οἱ Ῥωμαῖοι) καὶ πρέσβεις ἐς Λιβύην, εἰ δύναντο διαλύσαι τὸν πόλεμον· οἱ ἐπανήλθον ἀπρακτοί'.² We have the good fortune to possess the independent narrative of Polybius, by means of which Appian's can be corrected. His two sentences must be compared with Polybius i. 83. 11: 'μετὰ δὲ ταῦτα τῶν μὲν ἐν τῇ Σαρδονί μισθοφόρων, καθ' ὃν καιρὸν ἀπὸ τῶν Καρχηδονίων ἀπέστησαν, ἐπισπωμένους αὐτοὺς ἐπὶ τὴν νῆσον οὐχ προσεδέξαντο, τῶν δ' Ἰτυκαίων ἐγχειρίζοντων σφῶς οὐχ προσέδξαντο, τηρούντες τὰ κατὰ τὰς συνθήκας δίκαια.' A comparison between the two versions shows the importance of correcting biased historians, or historians who, like Appian, drew from biased sources,³ by some such trustworthy account as that of Polybius, if one wishes to trace the history of an idea. From Appian one would naturally suppose that negotiations were opened by the Roman Commissioners with both sides, *i.e.* that an attempt at arbitration or mediation was made, and that it was the mercenaries who refused to listen to any Carthaginian proposals. Polybius gives a very different complexion to the affair. The Carthaginians had obviously nothing to do with the negotiations and were not consulted. This disposes of any idea of arbitration or mediation, for the first step would have been to ask for the consent of both sides. The account of Polybius makes it perfectly clear that the appeal of the mercenaries was not an appeal for arbitration at all, but for protection and actual assistance against Carthage: in other words, it was a suggestion to Rome that here was a convenient opportunity for finishing off an enemy who was already half paralysed. This explains why the Romans based their refusal on the ground of their treaty obligations to Carthage, for while no treaty could possibly stand in their way if they wanted to ask Carthage

¹ App. *res Pun.* 5.

² App. *res Sic.* 2. 3.

³ Appian derived his account of the First Punic war from the Roman annalists of about the time of Valerius Antias. See Schwartz in Pauly-Wissowa, *Realencycl.*, 3rd half-volume, p. 218, s.v. Appianus (2).

The story of the Roman mediation in Africa is supported only by Zonaras (viii. 17 c) = Dio Cassius, who drew his information for the First Punic war probably from the same sources, the Roman annalists: see note 5 on p. 257.

whether she would accept their services as arbitrators, it would be a most patent obstacle to listening to such an appeal for assistance from her enemies. The statement that the Romans actually sent commissioners to Africa, together with what we know of their subsequent conduct in Sardinia,¹ suggests the fact that perhaps a party at Rome had tentatively invited applications for alliance from Utica, though afterwards unable to carry out their programme. The mere desire on the part of the Roman annalists to cloak such an immoral proceeding might account for the change from an appeal for assistance, as Polybius puts it, to an appeal for arbitration, as it appears in Appian. Here again we have discerned the hand of the Roman annalists, with their patriotic bias working under Greek influences. As in the Samnite wars, here too they have caught at the idea of arbitration—so much in the air in their time—in order to transform their narrative to the advantage of their country. This general rule may safely be insisted on—that their evidence alone, unless supported by some more trustworthy narrative, cannot be accepted as proving an instance of arbitration, where such a version is manifestly to the advantage of the Roman character.

To come back to Appian, *res Sic.* 1: since Polybius' account disposes of the suggestion—contained in *res Pun.* 5 and *res Sic.* 2. 3—that the Romans were likely to accept arbitration at this period, we can consider App. *res Sic.* 1 on its own merits, and give it its natural interpretation. According to the order of events given in the text, the Carthaginian embassy arrived at Alexandria, requested financial assistance, and failed to obtain it. Ptolemy, however, did the best he could for them by trying mediation: but he failed. As he could have hardly made even the attempt without the consent of the Carthaginian ambassadors staying at his court, it was probably the Roman senate who put difficulties in the way, and though Appian (and his sources?) neatly evade putting the responsibility of the refusal upon Rome by simply stating that 'Ptolemy was unsuccessful,' it is permissible to see in this passage one more piece of evidence as to the Roman dislike of arbitration and mediation.

7. There is, however, another case, which would seem to support the view that the Romans were prepared to arbitrate and to accept arbitration as early as the First Punic war. There is a statement in Dio Cassius to the effect that when Gaius Claudius crossed to Messana in 264 B.C., he challenged the Carthaginian general Hanno to accept the arbitration of the Romans between Carthage and the Mamertines: 'ὅτι Γαῖος Κλαύδιος ἔλθων εἰς ἐκκλησίαν ἄλλα τε ἐπαγωγὰ εἶπε καὶ ὅτι ἐπ' ἐλευθερώσει τῆς πόλεως ἥκει. οὐ γὰρ δεῖσθαι γε Ῥωμαίους Μεσσσήνης οὐδὲν καὶ ὅτι εὐθύς, ἐπειδὴν τὰ πράγματα αὐτῶν καταστήσῃ, ἀποπλευσεῖται· καὶ τούτου καὶ τοὺς Καρχηδονίους ἦτοι καὶ ἀποχωρῆσαι ἐκέλευσεν, ἥ, εἰ δὴ τι δίκαιον εἰπεῖν

¹ Pol. i. 88. 8-12. 'Ῥωμαῖοι δὲ κατὰ τὸν καιρὸν τούτων ὑπὸ τῶν ἐκ τῆς Σάρδωνος αὐτομολησάντων μισθοφόρων πρὸς σφῶν ἐκκληθέντες ἐπεβόλοντο πλεῖν ἐπὶ τὴν προειρημένην νῆσον· τῶν δὲ Καρχηδονίων ἀγανακτούντων ὡς αὐτοὶ καθήκουσι μᾶλλον τῇ τῶν Σαρδωνίων δυναστείᾳ,

καὶ παρασκευασμένων μεταπορεύεσθαι τοὺς ἀποστήσαντας αὐτῶν τὴν νῆσον, λαβόμενοι τῇ ἀφορμῇ ταύτῃ οἱ Ῥωμαῖοι πόλεμον ἐψηφίσαντο πρὸς τοὺς Καρχηδονίους κ.τ.λ.

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ἔχουσιν, ἐς κρίσιν καταστῆναι ὡς δ' οὔτε τῶν Μαιερτίνων τις ὑπὸ θεοῦς ἐφθέγγετο καὶ οἱ Καρχηδόνιοι ἄτε καὶ βία τὴν πόλιν κατέχοντες βραχὺ αὐτοῦ ἐφρόντιζον, αὐταρκες ἔφη μαρτύριον τὴν σωτῆρην παρ' ἀμφοτέρων ἔχειν, τῶν μὲν ὅτι ἀδικοῖεν, δεδίκαιοι λογῆσθαι γὰρ ἂν εἴπερ τι ὑγιές ἐφρόνου, τῶν δὲ ὅτι τῆς ἐλευθερίας ἐπιθυμοῖεν· παρρησία γὰρ ἂν, εἴπερ τὰ τῶν Καρχηδονίων ἦρουντο, ἄλλως τε καὶ ἰσχύος αὐτῶν παρούσης κεχρῆσθαι.¹ The challenge is repeated on a second occasion.²

It is difficult to say anything with regard to the historical worth of the challenge to arbitration put into Gaius Claudius' mouth by Dio. There is not a trace of it in Polybius:³ this would be quite sufficient evidence for rejecting it at once, were it not that Polybius' account is, firstly, very much shorter—a mere summary of the principal events at the opening of the war—and, secondly, does not appear to be quite so well acquainted with the Roman versions as Dio's is: for Polybius apparently mixes up the two Claudii, Gaius and the consul Appius.⁴ The question is, how much worth can be given to the extra facts etc. recorded by Dio. The latest writer⁵ on the sources of Dio indicates 'a corrupted annalistic tradition' as the foundation of those of his books which deal with the Pyrrhic and First Punic wars. This is that same biassed source which we had supposed responsible for other references to arbitration at this and earlier periods. Now that the reference in this case is worked out to the advantage of Rome is clear from the passage quoted and from the passage⁶ where Dio says that Hanno did not dare to refuse a discussion, lest the Mamertines should blame him, *i.e.* the party who refused to listen to proposals of arbitration would put himself in the wrong; in this case Hanno would be in the wrong, the Romans in the right. On the other hand, everything in Dio is not pro-Roman: for example, he distinctly makes 'one of the Romans' guilty of having treacherously seized the person of Hanno, a sin which Polybius lays at the door of the Mamertines.⁷ Into which of these two categories—namely, that of facts probably true or of those invented by pro-Roman tradition in its own interest—ought the statement about arbitration to be put? Here it seems allowable to draw a rather sharp distinction between facts recorded and motives or words attributed to persons by ancient historians. This distinction has been found necessary to modern researchers in treating the work of Thucydides, Livy, Tacitus, etc. Since Gaius' proposal for arbitration is entered as part of his

¹ Dio Cassius, *fr.* 43. 5. 6.

² *Ibid.* § 10 and Zonaras, viii. 9 A.

³ There is no mention of arbitration in the passage describing the negotiations for peace opened by the consul, Appius Claudius (Pol. i. 11. 9), and this attempt must be distinguished altogether from the action of Gaius Claudius.

⁴ So the writer in Pauly-Wissowa, *Realencycl.* § vol. iii. p. 2669, *s.v.* Claudius, no. 18, who points out that § 4 in Pol. i. 11 must be referred to Gaius Claudius, while § 9 and § 11 refers to the consul, Appius Claudius.

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⁵ Schwartz in Pauly-Wissowa, *op. cit.* vol. iii. p. 1694, *s.v.* Cassius Dio. Concerning books ix.-xii. he says the basis is 'die verderbte annalistiche Tradition.'

⁶ Zonaras, viii. 9 A, ὁ δὲ (= Hanno) καταβῆναι οὐκ ἠθέλει· φοβηθεὶς δὲ μὴ οἱ Μαιερτίνοι ὡς ἀδικοῦντες αὐτοῦ νευρεπλοῦσιν κ.τ.λ.

⁷ Cf. Zonaras, viii. 9 A, 'συνήρπασε τις τῶν Ῥωμαίων αὐτὸν καὶ ἐνέβαλεν ἐν τῷ δεσμωτηρίῳ, συνεκπαίνοντων τῶν Μαιερτινῶν,' with Pol. i. 11. 4.

speech, and since, after all, the whole incident depends on so comparatively inferior an authority as Dio, since lastly there is a natural explanation of how it arose in the Roman annalists' desire to justify their countrymen in the very delicate question of who was guilty in opening the First Punic war, it does not seem necessary to suppose that the challenge to arbitration is really a fact.

If, however, it is to be accepted, there is only one way of explaining it. It is fairly well established that in the situation before Messana, both Romans and Carthaginians were posing as anxious for peace: thus the Carthaginian general actually sent back the Roman ships that had fallen into his hands,¹ and even Polybius in his very summary account notices that the Roman consul Claudius made overtures for peace. It is obvious also that on neither side was there any sincerity in these offers, except in so far as the Carthaginians would doubtless have preferred to retain Messana without the necessity of fighting Rome for it. In that case Gaius Claudius by his insincere offer of arbitration was really trying to put the Carthaginians into an ambiguous position in the eyes of the Sicilians. We may reasonably suppose that he learnt this unworthy trick from the Greeks of Magna Graecia and Sicily, perhaps from the Mamertines themselves, or more probably from the members of his own fleet, which was composed of vessels from the Greek cities of Naples, Tarentum, Locri, etc. Thus the first contact on a large scale between Rome and Greek communities introduced the idea of public arbitration to the Romans: most of them rejected it, but it was not unwelcome to one of the most wide-awake members of that progressive clan, the Claudii.

Up to this point, the instances considered are supposed to have occurred before the influx of Greek ideas into Rome, the last marking, perhaps, a transition stage. The difficulty has been that all our records of those instances are dated after that influx. The problem was to disentangle the attitude of Roman statesmen, who directed the Roman policy when those instances occurred, from the attitude of later writers who recorded them. Accepting the evidence of these writers where they deal with *facts*, we found that the Roman attitude was to reject arbitration, as in the case of Pyrrhus and Tarentum. On the other hand, their evidence was doubted when it was presented in the form of speeches, either quoted or alluded to, not only because ancient historians here allowed themselves free scope with regard to anachronism and improbabilities generally, but because there seemed a special motive which produced allusions to arbitration. For these allusions all seemed to go back to the same source, the Roman annalists. As they are known, firstly, to have been most biased in their treatment of history and, secondly, to have been extraordinarily influenced by the fashionable Greek writers and writings of their day, it seemed likely that they occasionally used the new

¹ Dio Cassius, *fr.* 43. 8.

idea of arbitration to help out their system of ethical cause and effect in human affairs, where it halted. Yet it would be bold to maintain that the allusions to arbitration in early Roman history have so little foundation in fact, were it not that as soon as we come to the time when Rome began her wars for and with the Greeks, she is found in every instance to reject the idea of arbitration with ever increasing dislike.

8. At the moment when Rome was brought into actual contact with the Greeks of the mainland, she found the principles of arbitration and mediation in the fullest operation among them.¹ These principles ultimately depended on the sense of relationship between the different branches of the Greek nation; they felt themselves obliged to take notice of each other's affairs, because they were all members of the same family.

At the beginning of her career in the east Rome acknowledged this principle of the unity of the Greek nation in a marked way by sending envoys in 228 B.C. to the Aetolian and Achaean Leagues, Corinth and Athens, to explain her dealings with the Illyrians. It would have been natural if she had continued from this point to imitate the Greek attitude. If the Greek nation had the right to be informed as to what happened to one of its members, it had necessarily the further right of expressing its views on any such event, either by coming forward of its own accord to offer an opinion, *i.e.* by mediation, or by waiting until a member should ask for it, *i.e.* by arbitration. But with the exception of the one embassy in 228 B.C., the Romans seem to have had no mind to submit themselves, like any Greek city, to the public opinion of Greece. Not only did the Second Illyrian war of 219 B.C. call forth no similar embassy, but repeated attempts at mediation by neutral states between Rome, the Aetoli and Philip were refused by Rome,² to the great annoyance of the Aetoli, who at last got so tired of the inexplicable attitude of their allies, that they concluded a separate peace through the good offices of Egypt, Rhodes, Chios and Mitylene. Rome therefore found herself obliged to be a little less uncompromising, and when the Epirots applied for permission to make overtures on their own behalf to Philip, the Roman general yielded in his principles to the extent of making this an opportunity for himself meeting Philip on Epirot soil and there concluding peace.³ Yet this hardly amounted to an admission that *neutral* peoples, such as Chios and Mitylene, had the right to interfere with an offer of mediation or arbitration; it was simply allowing an *ally* to make the first step towards opening negotiations.

9. The distinction between neutral and ally was important in Roman eyes. It accounts for her action towards Athens and the Achaeans in the affair of the punitive expedition against the Boeotians in 196 B.C.: *legati* were

¹ See collection of examples by Victor Berard, *op. cit.* p. 104, and also *Pol.* iv. 26; v. 24, 28, 100; xi. 4 *et al.*, and Westermann, *op. cit.* p. 301.

² The Roman attitude is well rendered in Appian,

res. Mac. 3. Traces of similar negotiations are to be found in *Liv.* xxviii. 7. 14.

³ *Liv.* xxix. 12. 8.

The general conclusion that may be drawn from all these examples is that public arbitration (except in so far as the *recuperatores* sometimes had acted as public arbitrators) was perhaps known to, but certainly not practised by the Romans before c. 250 B.C. The legend of the Roman arbitration between Ardea and Aricia is the only known case of interstate arbitration in Italy before that date, and there seem more difficulties in the way of retaining this legend than in that of rejecting it, from the point of view of early constitutional history generally. If we except this one isolated instance, there is no example of public intercity arbitration in Italy, prior to the coming in of Greek influences. Thus the famous arbitration of the brothers Minucii between Genua and Viturii is dated 117 B.C.,¹ that between Pisa and Luna 168 B.C.,² between Ateste and Patavium 141 B.C.³ It was the Pyrrhic war and subjugation of Magna Graecia, and the absorption of Sicily, which developed the idea of arbitration in its public form at Rome. Her wars in the east familiarised her with it. Her attitude is extremely curious. From the outset she had a vehement dislike to submit to arbitration or mediation herself, as she finally made quite clear in the Rhodian affair of 169 B.C. At the same time she apparently seized on the idea with avidity in order to apply it to her allies and subjects, not only to those in Greece, where the use of arbitration was indigenous, but to those in other parts of the world. There can be no doubt that Rome herself was the channel by which the practice was introduced to some extent in the west. The Latin cities constantly applied to her to arbitrate between them, and the Roman arbitration between Masinissa and Carthage threatened to become a scandal. In such public entanglements public arbitration of the Greek type was faithfully applied by Rome as a solvent. If she reserved for herself the privilege of being the arbitrating power in almost every case, objections were silenced by the thought that her pre-eminent position would also secure the effectiveness of the verdict; the ancient world might well have submitted to harder conditions for the sake of overcoming this salient problem of public arbitration. Scattered instances⁴ show, in addition, that in the case of friction between private individuals, she suggested something modelled on her own system of private arbitrators, the *recuperatores*, and insisted that her suggestion should be adopted. Carrier and merchant of ideas to the ancient world, she seemed indeed to be bringing the blessings of Greek arbitration to the west, of Italian arbitration to the east.

This might seem to argue a great enthusiasm for the cause of arbitration. Yet a cursory examination of the innumerable cases in which Rome acted as arbitress brings out the fact that the idea involved was not the idea of arbitration pure and simple: it was the idea of protection given to a friend or ally. The Romans scarcely grasped the principle of arbitration as applied

¹ C.I.L. v. 7749 = i. 199.

² Liv. xlv. 13. 10.

³ C.I.L. v. 2491.

⁴ See p. 244.

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to public affairs, because they were never able to grasp the principle of public neutrality, on which arbitration rests. They neither recognised neutrality as defensible in any other nation, nor did they think themselves justified in assuming such an attitude towards others. Rome did not stand as neutral towards the two powers, between whom she arbitrated, but identified herself with one cause or the other. She considered that she amply fulfilled her duty towards the world, as long as she identified herself with the injured and not with the injurers. The preliminary investigation necessary to allow her to decide which party was the injured often lent a false air of arbitration to her proceedings: but she herself never really claimed to be an arbitress among nations, but an avenger of the innocent: '*regum, populorum, nationum portus erat et refugium senatus*,' says Cicero,¹ and this had been the pretext for many of the most important wars waged by Rome.² If an ally or friend felt himself wronged, the natural appeal was to Rome: if the appeal were in the least justified, often even if it were not, Rome would respond by lending the powerful protection of her name. The most usual course was for her to send an embassy to the offending power demanding cessation of the injury; if this was not effective, to take up arms, though that scarcely ever became necessary. This explains the very unmistakeable threats that often accompany her so-called arbitral decisions. It also explains the general rush—one can call it by no other word—of all nations and cities to the Roman senate to pour out their grievances: the importance of getting there first and of posing as the injured party was so enormous. In cases where two parties appealed simultaneously against each other, there was something more like a true arbitral decision, e.g. between the Nartakieis and Melitaeis c. 150 B.C.,³ and between Samos and Priene in 136 B.C.⁴ The more usual course of events, when Rome definitely took up an *ex-parte* attitude, is illustrated by the quarrels between Syria and Egypt,⁵ Syria and the Pergamid kingdom,⁶ Rhodes and the Lycians and Carians,⁷ Philip and the Thessalians etc.,⁸ Gentius and Issa,⁹ Masinissa and Carthage.¹⁰

If Rome's attitude towards arbitration, in the form of an appeal in disputed international issues to a neutral and disinterested power, shows that she disliked it, by her refusal to submit to it herself, her attitude in misapplying it to her allies shows that she did not even understand it. In attempting to analyse the causes of this attitude, some stress may be laid on the fact that the practice of arbitration had deteriorated, and was being used

¹ *De off.* ii. 8. 26.

² Liv. xlv. 22. 5.

³ Dittenberger, *Sylloge Inscr. Graec.* i. no. 307.

⁴ Dittenberger, *op. cit.* i. no. 315.

⁵ Pol. xvi. 27. 5; xxvii. 19; xxviii. 1; xxix. 27.

Liv. xxxiii. 39, 40; xlii. 29. 5; xlv. 12. 3, 13. 1-9.

23. 12; App. *res Syr.* 2, 3, 66; Justin, xxx. 3. 3-4;

xxi. 1; xxxiv. 3. 1-4; Val. Max. vi. 4. 3; Vell.

Pater. i. 10. 1. 2; Diod. Sic. xxx. 2; xxxi. 2.

⁶ Liv. xxxii. 8. 9, 27. 1.

⁷ Pol. xxii. 5; xxv. 4; xxx. 5. 12; cf. xvi. 27; Liv. xli. 6. 8-12; xlv. 15. 1; xlv. 25. 6; App. *res Syr.* 44.

⁸ Pol. xvi. 34; xxii. 9, 15, 17, 18; Liv. xxxix. 24. 6, 33; xl. 2. 7.

⁹ Liv. xlii. 26. 2.

¹⁰ Pol. xxxii. 2; Liv. xxxiv. 62. 5; App. *res Phen.* 67-69.

unworthily by the Greeks themselves by the time that they brought it to the notice of Rome. Perhaps more weight may be put on the idea—still so firmly ingrained in the Roman nation at that time—of the more or less direct intervention of the Gods in public affairs; for if the Gods were prepared to punish the wrongdoers, and to reward the innocent with victory, it was unnecessary and indeed almost impious to relegate the decision to the judgment of any human. But after all the Romans cannot be absolved of allowing mere national prejudice to harden their hearts and blind their understanding: it hurt their pride to submit themselves to the opinion of any other people: they posed as superior to their environment. Had they carried out with sincerity their self-imposed mission of being protectors of the weak, not much harm would have been done, but, as it was, they only succeeded in stifling the sensible and humanitarian practice of arbitration.

LOUISE E. MATTHAEL

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CONTRIBUTIONS TO THE STUDY OF FINAL -ς IN GREEK ADVERBS.

A SUFFIX -ς, the nature of which has not yet been satisfactorily explained, occurs in several categories of Greek words, in some, καλῶς, κακῶς, αἰθίς, permanent, in others, ἀμφί, ἀμφίς, 'mobile.' Brugmann's suggestion, *G.G.*³. § 259, that the suffix in both these cases is the same, is supported by οὔτω, οὔτως, which must be assumed to stand in the same morphological relation to οὔτος as καλῶς to καλός. Still the question arises why we have οὔτω and οὔτως side by side, like μέχρι and μέχρῃς, but never *καλῶ beside καλῶς. May the suffix in either case be, after all, of different date or origin, or both? The identity of the -ς with the suffix in δίς, πολλάκις, Brugmann, *ib.* § 295, considers doubtful, though on the face of it one would be inclined rather to class the 'mobile' -ς of μέχρις and πολλάκις together, against the permanent -ς of καλῶς, and analogical extension, Brugmann, *ib.* § 259, would be more reasonably assumed for the former than for the latter.

A similar -ς is found by Kretschmer, *Zur Geschichte der griechischen Dialekte*, Glotta, i. p. 55, in πρὸς, πάρος, beside πρό, προ-τί, pro, and in πός beside πο-τί. I propose to begin with an examination of this family of words. Formally we cannot well separate πρὸς and πάρος from παρά, πέρα, περί, Prellwitz, *WB.* p. 362, nor these again from πόρος; throughout we have obviously different case forms of the same stem. If on the one hand we compare φόρος with φαρέτρα, τόλμη *tolerare* with τάλας, τάλαντον, and, on the other, φόρος and εἶφος, Φαρήν, ἀρνός and πολύρρην, we see that there is no objection to taking both πρὸς and πάρος as nominatives, to which the abl. will then be *prōd, Lat. prō. Of this use of the nominative case we have an ex. in *trans*, Walde, *Lat. Etym. Wb.* p. 634; and instances of the same case in adverbial function are probably ἀπαξ, πύξ, Brugmann, *G.G.*³. § 167.

Another possibility, moreover, seems open to us. If, as Streitberg, *I.F.* iii. 305 ff. has made probable, pēs, πώς go back to original *pédos, *podós, may we not assume in similar relation to πορός, *πέρος, a hypothetical *πῶρ, *πήρ? From consideration of the paradigm of ksham, χθών, gen. kshmás χθονός, dat. χμαί, we may assume that in monosyllabic words oblique cases with the accent on the ending had the weakest grade of all in the stem: Gk. ποδός, ποδί and Lat. *pedis*, *pede*, therefore, show the introduction of the vowel of the nom. to avoid the difficult combination *bdos, etc., Hirt, *Ablaut*, p. 198, or the

o, e, represent reduced grades of \bar{o} , \bar{e} , Hirt, *ib.* p. 6. Now when the reduced syllable contains not a stop, like $\pi\acute{o}\delta\acute{o}s$, *pedis*, but a liquid, the consonant could be treated in two ways, as we see from a comparison of $\phi\alpha\rho\acute{\epsilon}\tau\rho\alpha$, $\chi\acute{\alpha}\mu\alpha\iota$, *kshāmi* with $\epsilon\phi\rho\eta\sigma\alpha$, $\delta\acute{\iota}\phi\rho\acute{o}s$, *kshmas*. Keeping this in view we can construct the following paradigm:

N.	*pōr, *pēr	> ? <i>Lat.</i> per.
G.	*parós, *prós	> $\pi\acute{\alpha}\rho\acute{o}s$, $\pi\rho\acute{o}s$.
D.	*parái, *prái	> $\pi\acute{\alpha}\rho\alpha\iota$, <i>prae</i> .
A.	*parī	> $\pi\alpha\rho\acute{\alpha}$.
L.	*pér, *péri	> $\pi\acute{\epsilon}\rho$, ? <i>per</i> , $\pi\epsilon\rho\acute{\iota}$.

The question now arises in what relation we are to suppose the forms $\pi\rho\acute{o}\tau\acute{\iota}$ $\pi\acute{o}\tau\acute{\iota}$ $\pi\acute{o}s$ to stand to the above paradigm. To say that to the $\sqrt{\text{per}}$ a suffix -ti is added is not quite a satisfactory explanation. An examination of certain other 'irregularities' in Greek morphology will, I think, give the clue to a more scientific explanation of these forms. The variation between nom. and oblique cases in *Lat. iter itineris, femur feminis, iecur iecinoris*, Gk. $\sigma\acute{\kappa}\omega\rho$ $\sigma\kappa\alpha\tau\acute{o}s$, $\eta\pi\alpha\rho$ $\eta\pi\alpha\tau\acute{o}s$, has made us familiar with the fact that a certain number of words had from the beginning, or as far back as we can go, a regular variation of -r stem in nom. with -n stem in oblique cases, Holgar Pedersen, *r-n stämme*, K.Z. xxxii. 240. Instances like Skr. $\check{\text{c}}\acute{\text{a}}\text{k}\check{\text{r}}\text{t}$, *caknás*, $\acute{\text{y}}\acute{\text{a}}\text{k}\check{\text{r}}\text{t}$, $\eta\pi\alpha\rho$, *iecur*, cf. Whitney, *Sanskrit Grammar*, § 432, show a dental beside the r in the nom. (cf. also *Lat. sal* < *sald, J. Schmidt, *Pluralbildung der idg. Sprachen*, 182, 253). The inevitable result of this existence of different stems side by side in the same paradigm was the intrusion of the stem of the oblique cases into the nom. and vice versa. Examples of this confusion are numerous: *iter itineris, iecur iecinoris*, $\delta\acute{\alpha}\mu\alpha\rho$ $\delta\acute{\alpha}\mu\alpha\rho\tau\acute{o}s$, Pedersen, *ib.* p. 244, $\sigma\acute{\kappa}\omega\rho$, O. Isl. *skarn*, Noreen, *Abriss der urgerm. Lautlehre*, p. 78. A further fact in connexion with these nouns is the existence beside them, often in the same language, of vowel stems from the same roots. Thus beside Skr. $\check{\text{c}}\acute{\text{a}}\text{k}\check{\text{r}}\text{t}$ we have Gr. $\kappa\acute{o}\pi\rho\acute{o}s$, *Lat. penna* < *petna implies a gen., *petnos, nom. *petr beside Gk. $\pi\tau\epsilon\rho\acute{o}\nu$, Eng. feather, Pedersen, *ib.* p. 245. Walde, *Wb.* p. 459. Beside $\acute{\text{u}}\delta\omega\rho$ $\acute{\text{u}}\delta\alpha\tau\acute{o}s$, O. Norse vatn, are -o stems in Skr. sam-udra-s, $\acute{\text{u}}\delta\rho\acute{o}s$; beside *Lat. argentum* stands $\acute{\alpha}\rho\gamma\upsilon\rho\acute{o}s$, Pedersen, *ib.* p. 245, and beside Gothic *vepn* the Gk. $\delta\pi\lambda\acute{o}\nu$ (so Pedersen, p. 258, with hesitation). We thus see that any original simplicity that may have existed in the paradigmata of these words has got thoroughly obscured; and, further, that the consonantal stem has often, in one way or another, been changed into a vowel stem, or had a vowel stem substituted for it (cf. Brugmann, *Archiv für lateinische Lexicographie u. Grammatik*, xv. p. 3 n. 2). In exx. like mukhatás, agratas, Whitney², § 1098 b, we may explain the -tas as an inorganic suffix due to the working of Analogy. Analogy, to be sure, is a serviceable and willing ally, but no unnecessary burden should be added to its already too heavy load. If we found in Gk. forms like * $\acute{\text{u}}\delta\rho\alpha\tau\acute{o}s$, * $\sigma\kappa\omicron\rho\alpha\tau\acute{o}s$ doing duty as abl. gen. to $\acute{\text{u}}\delta\rho\acute{o}s$, * $\sigma\acute{\kappa}\acute{o}\rho\acute{o}s$, we should, I think, be

entitled to look for their origin in the presence of the parallel nom. forms *ἰδωρ*, *σκάωρ*, and analyse them respectively as **ἰδρητός*, *σκορητός*, with the ρ of the nom. carried into the oblique cases as in *δάμαρτος*. And further, if we found obviously locative forms like **ἰδρατί*, **σκορατί*, we should be justified in explaining them as similar mixtures of parallel paradigms. So if we found in Gk. a form **πρατί*, and wished to bring it into connexion with *πόρος*, *πρός* (cf. Hirt, *Ablaut*, § 797), a glance at the parallel forms *ἕδρος* sam-udra-s *ἕδωρ*, *ἔπλον* vepn, etc., would surely afford a clue. Now Skr. *prāti* may doubtless be identified with Gk. *πρωτί*, but it may equally well represent **pr̥ti*, an identification, by the way, which removes another supposed example of European o=Skr. ā in open syllable. If we can see our way to crediting Gk. with a **πρατί*, and remember that at the same time there was also *πρός* with precisely the same meaning, the origin of the actual *πρότι* becomes immediately clear. But **πρατί* is not the form we expect from a paradigm like that of *ἰδωρ* *σκάωρ*, but **πατί*. That both **πρατί* and **πατί* could very well have existed side by side in the same paradigm, the Lat. *iecinis* and *iecinoris* are enough to assure us. Then as soon as **πρατί* had, under the influence of *πρός*, become *πρότι*, the change of *πατί* to *ποτί* was inevitable; and the proportion *πρότι*:*ποτί* :: *πρός*:*χ* could result in only one form, *πός*.

To all this argument the obvious objection will be: What grounds have we for supposing that a -*nt* stem parallel to *πόρος*, para- ever existed? In answer it might be fairly urged that the attested existence of so many parallel -o and -*rn* paradigms—*ἕδρος ἕδωρ* water vatn, *πτέρων ῥεννα*, *κράνος κέρας*, *ἔπλον vēpn*—affords sufficient ground for the presumption that there were still others, this presumption being at the same time justified by our hypothesis explaining the facts. But apart from this, an -*n* stem to the ✓ per por may, I think, be found in *πρίν*. The vocalisation is difficult, but if we remember that *πρίν* is the Cretan form, and further that Cretan also has side by side *πρίσγυς* and *πρίσγυς*, we may perhaps hazard the conjecture that *πρίν* represents an original **πρίν*, cf. Brugmann, *G.G.*³, § 11 An. 2, § 53 An. 2. A more certain proof of a -*n* stem, or rather of the mixture of -*r* and -*n* stems, to this ✓ is afforded by the Teutonic cognates, O. Icel. forn, M.H.G. vorn, O. Sax. firn, Kluge⁴ (*E.T.*) p. 85. The contamination of the two stems is precisely parallel to that in O. Icel. skarn: *σκάωρ*, and constitutes what I consider remarkably strong evidence for the correctness of the hypothesis that the ✓ per por had a stem of the same type as that of *ἕδωρ*, etc.

In epic Greek we have in a large number of words the termination -*φι*, -*φιν* doing duty for inst. loc. and abl., Brugmann, *G.G.*³, § 478, Monro, *Grammar of the Homeric Dialect*², § 154 ff., Delbrück, *Vergl. Syntax*, i. p. 274 ff. The termination is attached to -o stems, *δακρυόφι*, *ὀστέοφιν*, *ἰκρίοφιν*; to -ā stems, *ἐτέρηφι*, *δεξιτερήφι*, *βίηφι*, *ἡνωρέηφι*; to diphthongal stems, *ναῖφι*; and to -s stems, *ἄχεσφι*, *στίθεσφι*, *ὄρεσφι*, Monro, *id.* Further, we have also O 463, v 451, the termination -*φισ* in *λικριφίς*. Cf. Giles, *Manual*³, § 323.

With this latter form of the suffix in Greek we should certainly identify the Skt. instrumental ending *-bhis*, which in its turn is an ablaut variation of the dat.-abl. ending *-bhyas* < **-bhjes*, Strachan, *B.B.* xiv. p. 173. Cf. Thumb, *Handbuch des Sanskrits*, § 232, who, however, seems to be unaware of the existence of *-phis* in Greek. *-φιν* again stands in relation to Skt. *-bhyām* < **-bhiēm*, Hirt, *der indogermanische Ablaut*, § 378. *-φης* and *-φιν*, then, are old case endings, and the origin of the form *-φι* is now clear. Forms like *ῥχεσφι*, *ναῦφι* + the common *-ν ἐφελκυστικόν*, and thus three case forms *-φι*, *-φιν*, and *-φης* came to exist side by side. The question arises whether *-φης* like *-bhyas* was originally in Gk. confined to the plural or not. Cases like *ἐτέρηφι*, Π 734, *δεξιτερῇφι*, τ 480, *βιήφι*, α 403, Monro, *ib.*, show that *-φι*, *-φιν* at any rate were used where the sense demands the singular. But *θεόφιν*, *δακρυόφιν*, *μελάθροφιν*, so far as the vocalism of the stem goes, may equally well be plural and have taken the place of an earlier **θεόφης* etc., after the endings *-φι*, *-φιν*, *-φης* had ceased to be in living use. Cf. Thumb, *Handbuch*, p. 171. In K 458, *ἀπὸ μὲν . . . κινῆνι κεφαλῇφιν ἔλοντο*, the sense undoubtedly calls for the plural: *κεφαλῇφι(ν)* then would formally be equivalent to *bālābhiḥ*. In *ῥχεσφι* again we have certainly a plural case form. The *-ς* stem is otherwise found only in the plural, *ῥχεα*, Δ 4. 419, Pindar, *Ol.* 4. 20, *Pyth.* 9. 18: *ῥχεσφι* would then be parallel to Skt. *manōbhyas*. *λικριφίς* itself can be nothing else than the inst. of an *-ι* stem **λικρι-ς* corresponding to *matibhiḥ*, cf. Prellwitz, *etym. wb.* p. 266. The history of the *-φι* endings, then, we may suppose to have been this: *-φης* was originally plural as it is *λικριφίς* and as *-bhyas* is in Skt.; and *-φιν* was dual. Cf. Ebel, *Beiträge z. v. Spr.* ii. p. 70. After *-φι* had been evolved from *-φιν* as explained above, and these endings had dropped out of living usage, the *-ς* forms in their turn were analysed *-φι* + a *-ς ἐφελκυστικόν*. Thus popular etymology made *-φιν*, *-φης* variants of one original form *-φι*, and absolutely identical in meaning. Which form was used on any particular occasion would depend entirely on metrical considerations. That *-φης* dropped out of use was due to the circumstance that the presence of so many forms with *ν ἐφ.* adaptable to metrical emergencies pointed to *-φιν* and not to *-φης* as the natural form to use where *-φι* was impossible. This disappearance of *-φης* in favour of *-φι* and *-φιν*, and the total confusion of the latter forms, could of course take place only after *-φης* had come to be felt as *-φι-ς*, and a *-ς* was at the disposal of the Greek language.

May we claim this *-ς* of the instrumental plural as the starting point of forms like *μέχρις*, *πολλάκις*, etc.? The first objection to our doing so would probably be this: If *-φης* failed to maintain its ground against *-φι* and *-φιν* in the paradigm of the same noun, how can it be supposed to have affected forms like *μέχρι(ς)*, with which it had no formal connection? An examination of the exx. shows that 'mobile' *-ς* is confined to adverbs, *πολλάκι-ς*, *ἄχρι-ς*, *ἀμφί-ς*, *εὐθύ-ς*, Rhod. *ἄν-ς*, *αἰθι-ς*, *πέρι-ς*. The ending *-ιν*, on the other hand, apart from *ἔστι-ν*, *εἰσί-ν*, etc., is a nominal termination. For *πολλάκιν*, *ποσάκιν*, etc.,

peculiar to Doric dialects, cf. Brugmann, *G.G.*³, §§ 249, 296. 10. This division of labour between the two suffixes -ν and -ς, I think, sufficiently explains why, on the supposition that forms like *λικριφί-ς* furnished one starting point for 'mobile' -ς, this suffix, unlike -ν, disappeared from the noun paradigm. Instrumental plural forms are used in Skt. in adverbial function, *aktubhis*, *śānāis*, *śānakāis*, *pāracāis*, *tāvisibhis*, Whitney, *Sanskrit Grammar*², p. 409. Case forms of the dual do not appear to be used in adverbial function, and it is obvious that occasions for such use of the dual must have been rare. We are, therefore, entitled to assume that in the earliest Greek instrumental forms of the *λικριφί-ς* type were employed in adverbial function, while still standing side by side with the dual -φιν in the paradigm of the noun. -φιν forms were not used as adverbs, and so after these case forms had disappeared from the living language, the -ς of *φίς*, now analysed as -φι-ς, was attached solely to adverbs, while -φιν was retained as a traditional form in the noun paradigm.

Above it is assumed that -φι forms were secondary and deduced from dual and plural -φιν and -φίς. The argument will not suffer if -φι is supposed to have been an original case ending of the singular, differing from the plural only by the addition of -ς to the latter. That the acc. sing. and plur. are related in the same way seems now to be an abandoned theory, but a theory, it appears to me, which derives support from at least one other pair of cases. In the -ο stems, the loc. end in -οι and -οισι in the sg. and plur. respectively, the Skt. form corresponding to the latter ending in *ἔξω*. Now in Skt. all the plural cases of mas. and fem. nouns end in -ς, with the exception of the gen. and the loc. The gen. termination has cognates in other languages, and is, so to speak, beyond the range of impeachment; but the fact that the loc. suffix in Gk. and Skt. differs only in the final vowel, and that, apart from that vowel, the case in both languages is merely the loc. sg. -ē, -οι+ς, makes it almost necessary to suppose that the -ι in Gk. and the -u in Skt. are later additions. For the existence of a -u suffix in Skt., the presence side by side of *agnā* and *agnāu*, *bhārat* and *bhāratu*, Thumb, *Handbuch*, § 421, seem to offer evidence. And if we compare *πέρυτι* and *parut*, *bhāramasi* and *bhāramas*, *φέρομες*, *αἰές* and *αἰεί*, *udān* and *udāni*, the evidence for an idg. -i suffix appears equally strong. *Açveṣu* and *ἵπποισι* then represent an original *ekōjs+u, -i. We can now assume that the earliest Greek had a loc. sg. and a loc. plur. in -ο stems differing only in the addition of -ς to the latter. How this fact may have led to an adverbial 'mobile' -ς becomes now clear.

The use, principally in poetry, of the plural in sg. sense is familiar. Cf. Kurt Witte, *Singular u. Plural, Forschungen über Form u. Geschichte der griechischen Poesie*, and *Glotta*, i. 132 ff., Delbrück, *VI. Syntax*, i. p. 162. *οἴκοι* and *οἴκοις*, and many other pairs, sg. and pl., of words with local reference, were used in precisely the same sense, and the result was bound to be the 'detachment' of -ς. It was felt that the -ς could be left out or inserted at will, was, in fact, precisely parallel to *ν ἐφελκ*. Cf. Giles, *Manual of Comparative Philology*³, pp. 287, 288.

The formation of the plural case ending by the addition of -s to the sg. is to be seen also, I believe, in the -o stem, dat. sg. -ōi, and the so-called inst. plu. -ōis, ἀγῶis, ἵπποιs, wilkais, Νύνlanús, cf. Giles, *ib.* § 323, Thurneysen, *B.B.* viii. p. 269, n. 2. From this plural form, whatever its original meaning may have been, we can, I think, derive a very important class of adverbs in -s. Bechtel, *Hauptprobleme d. idg. Lautlehre*, in discussing the long diphthong ōy, comes to the conclusion, p. 275, that Doric βῶs is the original form of the nom. sg. and not an analogical formation from the acc. sg. βῶν, and compares Lat. bōs. The Attic βούς he would attribute to the influence of βοφός, βόφες, etc. For Brugmann, on the other hand, *Kurze vergleichende Grammatik*, § 146 Anm., the only certain condition for the disappearance of the second component of ōy is the following -m of the acc. sg. Cases like dhārúš, θῆλυs, fēlare, at the same time induce him to allow simplification of ēj > ē before any consonant whatever, and partly in final position, agnāú, agnā, etc. J. Schmidt, again, *K.Z.* 27, 305, holds that ēj becomes ē before cons. and when final, while ōj and āj remain. In the discussion of these diphthongs a broad distinction should, I think, be made between those that are medial, as in dhārúš, θῆλυs, and those that are final, including here the diphthong followed by -m and -s, and for this reason that the surroundings of the medial diphthong are constant, while those of the final are subject to change. The importance of the variation of the following sounds in determining the appearance of at any rate one diphthong, *ev*, is well known; the preposition ἐνs before a vowel, Cret. ἐνs ὀρθόν, remains unchanged; before a consonant, ἐς τόν, Brugmann, *G.G.* 74, the second component disappears without a trace. A similar sandhi-variation I assume took place also in the case of the long diphthongs; and so instead of explaining βούς: βῶs as due to analogical influence, I would make βούς: βῶs a parallel to ἐνs: ἐς, so gāús, n. sg.: gās, n. pl. < *gāyus, and the retention of the two forms parallel to the -āu and -ā of the Skt. dual. The disappearance of the second component of a long -i diphthong we have in Lat. *rēs*, *rēbus*, Skt. *rās*, *rām*, *rāsu* < *rēj-. That a Skt. form *rās has not survived I would attribute to an accident of the same kind as has given us *Δία* and *Ζῆν*, but *νῆα* and *ναῦν*, instead of assuming with Schmidt that in ēj the -i disappears before consonants and when final, while ōj and āj remain. If we assume rather that variation in the representation of long diphthongs is the result of the existence of 'sentence doublets,' as I have suggested βούς: βῶs is, then we immediately have a satisfactory explanation of Gk. adverbs in -ws. Just as we get from *gōús, according to the following sound, βούς or βῶs, so from the instrumental plural *néyois we get νέοis or νέως, with, as we should expect, slurred accent, καλῶs, etc. This adverbial ending is comparatively rare in Homer, *Monro*¹, p. 95, but the instrumental plural is used adverbially in Skt., *Whitney, Sanskrit Grammar*², § 1112, and the extension of -ws forms in later Greek need not excite more surprise than e.g. the almost universal use of the -s plural in modern English.

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¹ *Tra*² *Ca*³ *G.*

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⁴ *Tra*

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THE BATTLE-FIELD OF OLD PHARSALVS.

I.

AMONG the problems of ancient history of which no solution has yet been generally recognized as definitive is that of the battle-field where the struggle between Pompey and Caesar was decided. Colonel Leake's exposition¹ was rejected by von Göler² and Sir William Napier³; and the paper⁴ in which he endeavoured to vindicate it produced little effect. Napier and von Göler constructed theories which were vitiated by the misleading maps on which they worked. M. Léon Heuzey, the chief of the Macedonian mission which collected information for the contemplated final volume of Napoleon the Third's *Histoire de Jules César*, performed a valuable service by preparing, with the aid of an engineer officer, M. Laloy, the first trustworthy survey of the Pharsalian region; but his dissertation on the battle,⁵ published in 1886, was bitterly derided by Colonel Stoffel,⁶ who, however, appropriated his predecessor's maps without acknowledgment. About the same time Mr. Perrin published in the *American Journal of Philology*⁷ a valuable article, which, although it convinced many that the battle had been fought, as von Göler, Napier, and Long⁸ maintained, on the northern bank of the Enipeus, was necessarily written without any knowledge of the works of Heuzey and Stoffel. In the following year the latter published his continuation of Napoleon's history, and announced that he had discovered the site of the battle on the southern bank, adding that any man with a competent knowledge of war could find it for himself in half a day.⁹ It is to be regretted that he did not examine the views of the consummate military expert who differed from him; but he was ignorant of English, and was, perhaps, unaware that Napier had by anticipation condemned the premisses upon which his 'discovery' rested. His great authority, however, as a military topographer gave currency to his opinion; and it was not until 1896 that it was seriously challenged in an interesting article by Professor Postgate, prefixed to his edition of the seventh book of Lucan's *Pharsalia*. Nevertheless Stoffel continued to hold the field until 1907, when Dr. Kromayer brought

¹ *Travels in Northern Greece*, iv. 1835, pp. 477-84.

² *Caesars gall. Krieg*, etc. ii. 1880, pp. 149, 151-4.

³ G. Long, *Decline of the Roman Republic*, v. 1874,

pp. 220-1.

⁴ *Trans. Roy. Soc. of Literature*, 2nd ser. iv. 1853,

pp. 68-87.

⁵ *Les opérations mil. de Jules César*, pp. 104-35.

⁶ *Hist. de Jules César,—Guerre civile*, ii. 1887, p. 240, n. 1.

⁷ Vol. vi. 1885, pp. 170-89.

⁸ *Decline of the Roman Republic*, v. 213-21.

⁹ *Guerre civile*, ii. 241.

out his *Antike Schlachtfelder in Griechenland*. The rough draft of the present paper had been virtually completed before I saw Dr. Kromayer's book. With relentless logic he demolishes the theories of all those of his predecessors who agree with him in maintaining the claims of the southern against the northern bank of the Enipeus. But, like Stoffel, he does not seem to have known that Napier had ever discussed the question; and even in reply to the arguments of von Göler¹ and Long he has nothing to say.

It seems to me then that a paper which not only offers original remarks, but also represents and examines all the extant theories, may justify its existence. My principal object is to attract the criticism of a distinguished English scholar who is conversant with the whole history of the Civil War, and whose opinion, as he told me before I began to write, is opposed to my own, and also of Dr. Kromayer. If I have myself failed to find the truth, I may nevertheless in this way assist its discovery. I venture to express the hope that scholars who may notice this article will bear in mind that the case against the dominant theory, which places the battle-field on the southern bank of the Enipeus, has been argued by a military critic of the very first order—the historian of the Peninsular War—and that, if they think his reasons and those which I shall independently urge unsound, they will not ignore them.

II.

It is now universally admitted that the Enipeus was the river which bisects the Pharsalian plain, and which is called in M. Heuzey's map and in that of Stoffel the Little Tchinarli. In that part of its course which traverses the plain the river is between 60 and 70 metres broad: it is now sometimes quite dry in summer; and its banks, which are very steep, are 6 metres high.² I have not myself yet been able to explore the district; but, although fuller information is desirable about the country on the northern bank, and especially the rivulets which intersect it, Laloy's survey and the topographical descriptions of Leake M. Heuzey, Stoffel, and especially Dr. Kromayer, have made it possible to dispense with personal exploration in estimating the various theories which have been already propounded,³ and in endeavouring to determine the main question,—whether the battle-field is to be looked for north or south of the river.

III.

The data furnished by Caesar are as follows. After leaving Metropolis he encamped on a suitable position in the open country (*in agris*)—that is to say, in the Pharsalian plain—intending, as the crops were nearly ripe, to await

¹ He gives reasons (pp. 288-9, *infra*) for rejecting von Göler's theory, but does not answer his arguments against placing the battle-field south of the Enipeus.

² L. Heuzey, *Les opérations mil. de J. C.* p. 105; J. Kromayer, *Antike Schlachtfelder*, etc. ii. 406.

³ Except perhaps that of von Göler. See p. 289, *infra*.

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¹ B. C.

² Ib. 82

³ See p.
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Pompey's arrival.¹ A few days later the united armies of Pompey and Scipio marched southward from Larissa and encamped on a hill.² Caesar on several successive days offered Pompey battle, drawing up his army first at some little distance from Pompey's camp, afterwards close to the hill: Pompey, on the other hand, formed his line on its lowest slopes (*ad infimas radices montis*)—or, according to Dr. Kromayer's interpretation of Caesar's words, in the plain below the hill, but close to his own camp³—apparently in the hope that Caesar would fight on unfavourable ground. Caesar, concluding that Pompey could not be induced to fight on equal terms, determined to break up his camp and keep on the move, with the object partly of facilitating his corn-supply, partly of wearing out Pompey's troops, who were not accustomed to hard marching, and of finding some chance of bringing him to action. He had actually struck his tents when it was observed that Pompey's army had advanced so far from camp that there seemed to be a chance of fighting on ground which was not unfavourable. It was afterwards ascertained that Pompey had been urged to fight by his whole staff.⁴ Pompey had 45,000 infantry as well as 2000 time-expired volunteers in line of battle: his right wing was protected by a stream, which Caesar does not name, but describes as *rius quidam impeditis ripis* (a rivulet with banks difficult to cross),—a description which leaves it doubtful whether the difficulty was due to the height of the banks or to swamps or other impassable ground in their immediate neighbourhood.⁵ Caesar adds that 'for this reason' [that is to say, because his right wing was protected by a stream with *impeditis ripis*] Pompey had posted all his cavalry, archers, and slingers on his left.⁶ Caesar's cavalry were on his extreme right. While the infantry on both sides were engaged Pompey's cavalry charged Caesar's, repulsed them, and began to turn Caesar's right on their right flank. Thereupon six cohorts of infantry, which Caesar had kept in reserve in anticipation of this movement, charged and routed Pompey's cavalry, who immediately took refuge on lofty hills' (*montes altissimos*). His archers and slingers, who were thus left unprotected, were destroyed; and the six cohorts, continuing their charge, outflanked his left wing and attacked them in the rear. At the same time Caesar brought his third line into action; and the Pompeian infantry, attacked simultaneously in front and rear, turned tail. They, or some of them (for Caesar's words—*Pompeianis ex fuga intra uallum compulsis*—are naturally not precise), fled into the camp, but did not stop to defend it, and continued their flight. Their example was soon followed by the troops who, before the battle, had been left to defend the camp, and who now fled 'to lofty hills which adjoined the camp' (*in altissimos montes qui ad castra pertinebant*). Pompey, as soon as he saw the Caesarians inside, mounted a horse, galloped out by the rear gate, rode at full speed for Larissa, and presently made his way with an escort of 30 horsemen to the coast. After getting possession of the camp, Caesar began to throw

¹ B.C. iii. 81, § 3.² *Ib.* 82, § 1; 84, § 2; 85, § 1.³ See p. 282, *infra*.

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⁴ B.C. iii. 84, §§ 1-2; 85, §§ 2-4; 86, § 1.⁵ See p. 288, *infra*.⁶ B.C. iii. 88.

up a contravallation round the hill on which the Pompeians had taken refuge; and, as the hill was without water (*quod is mons erat sine aqua*), they began to retreat along the heights¹ towards Larissa. Thereupon Caesar sent part of his troops back to his own camp, ordered part to hold Pompey's, and marched 'by a more convenient route' (*commodiore itinere*) to intercept the fugitives. After advancing 6 Roman miles he formed line of battle, whereupon the fugitives halted on a hill which was washed by a stream. Although it was now near night, he proceeded to cut off the hill from the stream by an earthwork in order to prevent them from getting water in the night. At dawn they descended into the plain and surrendered. Caesar then ordered fresh legions to come from camp to join him, sent those which were with him back to camp, and made his way on the same day to Larissa, which is about 27 Roman miles from the Enipeus.²

It will have been observed that Caesar mentions no place-name in connexion with the battle except Larissa. Appian, however, remarking that Pompey encamped opposite Caesar in the neighbourhood of Pharsalus, and that the two camps were 30 stades, or three Roman miles and three-quarters, apart,³ adds that the armies were drawn up between Pharsalus and the Enipeus;⁴ while, on the other hand, the author of *Bellum Alexandrinum*,⁵ Frontinus,⁶ Eutropius,⁷ and Orosius⁸ all agree that the battle was fought at Palaepharsalus. The author of *Bellum Alexandrinum*, however, in another passage speaks of 'the battle of Pharsalus';⁹ and Plutarch,¹⁰ Polyaeus,¹¹ and Suetonius¹² do the same.

Plutarch says that on the morning of the battle, before Pompey's offensive movement was discerned, Caesar was about to march to Scotussa¹³; that Pompey's camp was 'close to marshy ground' (*πρὸς ἐλώδεσι χωρίοις*)¹⁴; and that Brutus escaped after the battle by a gate leading to 'a marshy spot full of water and reeds' (*πρὸς τόπον ἐλώδη καὶ μεστὸν ὑδάτων καὶ καλάμου*).¹⁵

Frontinus¹⁶ states that Pompey 'posted 600 horsemen on his right flank close to the river Enipeus, which both by its channel and by its overflow made the locality impassable' (*Cn. Pompeius . . . dextro latere DC equites propter flumen*

¹ The MS. reading (*ib.* 97, § 2) is (*diffisi ei loco relicto monte uniuersi iuris eius* [*Larissam uersus se recipere coeperunt*]). As this is inconsistent, numerous emendations (H. Meusel, *Lex. Caes. Tab. Coniect.* p. 90), most of which are justly ignored by editors, have been proposed. The one commonly accepted is *iuris eius*; but Meusel (*C.I. Caesaris comm. de b.c. 1906*, p. 342) reads *iuris sui* on the ground that 'this hill [one of the hills on the "massif" of Karadja-Ahmet, selected by Stoffel] has no *iugum*.'

The uncertainty of the text matters nothing; for the fugitives would undoubtedly have retreated as far as possible on high ground in order to keep the tactical advantage which it afforded them.

² *B.C.* iii. 89, §§ 3-4; 93-8.

³ (Πομπήιος) ἀντεστρατονέβυστο Καίσαρι περὶ Φάρσαλον, καὶ τριάκοντα σταδίων ἀλλήλων ἀπέχον (*B.C.* ii. 65).

⁴ (Πομπήιος) παρῆλθε τοὺς λαοὺς ἐν τῷ μετὰ

Φαρσάλου τε πόλεως καὶ Ἐνιπέου ποταμοῦ, ἐνθα καὶ ὁ Καίσαρ ἀντιέκειμεν (*ib.* 75).

⁵ Caesar . . . Palaepharsali rem feliciter gerebat (*Bell. Alex.* 48, § 1).

⁶ Cn. Pompeius aduersus C. Caesarem Palaepharsali triplicem instruxit aciem (*Strat.* ii. 3, § 22).

⁷ deinde in Thessalia apud Palaepharsalum . . . dimicauerunt (20).

⁸ hic exitus pugnae ad Palaepharsalum fuit (vi. 15, § 27).

⁹ Pharsalici proelii (*Bell. Alex.* 42, § 3). I assume that *Pharsalici* is the adjective of Pharsalus and not of Pharsalia (the Pharsalian district). But for my purpose the point is immaterial.

¹⁰ Caesar, 52; Cato, 55-6; Cicero, 39; Antonius, 8, 62; Brutus, 6; Orto, 13.

¹¹ viii. 23, § 25.

¹² Caesar, 43.

¹³ 78. 6.

¹⁴ Dions Julius, 35.

¹⁵ Brutus, 4.

¹⁶ *Strat.* ii. 3, § 22.

Enipea, qui et alueo suo et alluue regionem impediērat . . . locauit), and that Caesar 'posted his left on marshes, in order to avoid being outflanked' (*C. Caesar sinistrum latus, ne circumueniri posset, admouit paludibus*). Lucan's¹ testimony is substantially the same.

We have seen that four ancient writers, one of whom, the author of *Bellum Alexandrinum*, was in Caesar's confidence, locate the battle-field 'at Palaepharsalus'; and since the author of *Bellum Alexandrinum* in one passage puts it at Palaepharsalus and in another speaks of 'the battle of Pharsalus,' we are entitled to suppose that Appian, who was notoriously a bad geographer, may have used the word Φάρσαλος carelessly for Παλαιφάρσαλος. This supposition is not weakened but strengthened by the fact that three other ancient writers name Pharsalus as the site; for every one will admit that those who mentioned Palaepharsalus meant Palaepharsalus; whereas nothing is more likely than that Pharsalus—the name which was common to the old town and the new—should have been loosely used to designate the former. Unfortunately direct evidence as to the position of Palaepharsalus is wanting. Pharsalus was undoubtedly on the site of Fersala, about 3 miles south of the Enipeus. Stoffel² is inclined to place Palaepharsalus north of the river between Orman Magoula and Lazarbogha, where there are traces of ancient ruins; but this is a mere guess. M. Heuzey³ thought that he had found the site on Kontouri, a hill just south of the Enipeus and about 8 miles west-north-west of Fersala. But Mr. Perrin⁴ has made a serious attempt to solve the problem. Referring to a statement of Strabo⁵—that the Thetidium was 'near both the Pharsali, the old and the new'—he argues that 'the phrase . . . has no particular force and can with difficulty be accounted for if the two Pharsali were close to each other, or if either was very much nearer than the other to the Thetidium, or on the same line with it as the other. It is,' he continues, 'most naturally accounted for if Palaepharsalus and Pharsalus were approximately equidistant from the Thetidium. In that case, as Pharsalus lay at the extreme southern edge of the Pharsalian plains, Palaepharsalus would naturally be looked for towards the north or north-east.' Mr. Perrin then examines a passage in Polybius,⁶ from which it may be inferred that the Thetidium was 'on the right of the Enipeus, on a line running south of Scotussa from Pherae westward, and on a military route between Eretria and Scotussa. These details,' he observes, 'enable us to locate it [about 8 miles] N.E. of Pharsalus, nearly if not exactly where Colonel Leake [and M. Heuzey⁷] identified it with ruins then visible'; and he infers that Palaepharsalus

¹ *at iuxta fluuios et stagna undantis Enipei Cappadocum montana cohors et largus habena Ponticus ibat eques*

(*Pharsalia*, vii. 224-5).

² *Guerre civile*, ii. 244.

³ *Les opérations mil. de J.C.* p. 133.

⁴ *American Journal of Philology*, vi. 1885, pp. 178-9.

⁵ *ἢν δὲ τῇ χώρῃ ταύτῃ καὶ τὸ Θεριδίδιον ἐστὶ πλῆθειον τῶν Φαρσάλων ἀμφοῦν, τῇ τε παλαιᾷ καὶ τῇ νέῃ*

(*Geogr.* ix. 5, § 6). This passage alone proves, against the view of Leake, that Palaepharsalus and Pharsalus were not on the same hill, but that their sites were distinct. Moreover, as von Göler observes (*Caesars gall. Krieg*, etc. ii. 151), 'if Old and New Pharsalus had been so closely connected, no writer would have described the battle as "at Palaepharsalus," but simply as "at Pharsalus."'

⁶ xviii. 3, §§ 1-6.

⁷ *Les opérations mil. de J.C.* Pl. vii.

was north of the Enipeus and probably west of 'the main route between Larissa and Pharsalus.' Kiepert¹ places it actually on the road.

Mr. Perrin's arguments appear to me to establish a probability in favour of placing Palaepharsalus, which was, beyond question, entirely distinct from Pharsalus, north of the Enipeus. I engage to raise this probability to certainty.

Nobody will venture to reject the authoritative statement that the battle was fought 'at Palaepharsalus'; and nobody who accepts this statement will deny that Palaepharsalus must have been nearer to the battle-field than Pharsalus, and that the battle-field would not have been named after Palaepharsalus if it had been not only hard by Pharsalus but also separated from Palaepharsalus by the broad and deep river-bed.² But if the battle-field was between Pharsalus and the river, it was almost in contact with Pharsalus; and it is impossible to point to any spot in the neighbourhood on which Palaepharsalus could have been situated. We shall see presently that of the five theories which locate the battle-field on the southern bank the only one which can be defended with the least show of reason is that of Dr. Kromayer; and Dr. Kromayer is obliged to place Pompey's line of battle within a quarter of a mile of Pharsalus. How, then, can he account for the incontrovertible statement that the battle was at Palaepharsalus? He says quite reasonably that he does not know where Palaepharsalus was. But within limits he does know where it was not: he knows that it would be useless to look for it within a quarter of a mile—or a good deal more—of any point on his battle-field, or anywhere in the plain south of the Enipeus nearer than Mount Kontouri. And even if we provisionally accept Stoffel's theory, the difficulty remains.

IV.

Let us first consider the main aspects of the question without regard to topographical maps or to particular theories. All unbiassed commentators, I believe, will agree that any competent military critic who had the foregoing data before him would conclude that only one of them points to the conclusion that the battle-field was south of the Enipeus. The exception is the statement of Appian, which all the commentators who look for the site on the southern bank regard as an article of faith, and on which they resolutely take their stand. 'As,' says Dr. Kromayer,³ 'the identity of the modern Phersala with the ancient Pharsalus is certain, we may hold that there can no longer be any question about the scene of the battle, but that we must place it between the Little Tschinarli and Phersala.' But, as I have shown, we should not be putting any undue strain upon language if we supposed that by Pharsalus Appian may

¹ *Formae orbis antiqui*, xv.

² Stoffel does deny this by implication; and this is one of the weak points of his theory. Professor Postgate justly says (*Class. Rev.* xix. 1905, p. 259): 'No Roman writer that I have examined affords any indication whatever that he placed the battle at or

near Pharsalus or Phersala. You have to go to late Greek writers such as Plutarch, Appian, Dio Cassius, and Polyaeus, to find this town apparently associated with the engagement.'

³ *Antike Schlachtfelder*, etc. ii. 408.

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¹ See *Ant.*
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² *B.C.* ii.

have meant Old Pharsalus. Indeed, what he meant matters little. I take my stand upon the authoritative and far more explicit statement that the battle was fought at Palaepharsalus, with which, as I have shown, the statement of Appian is irreconcilable. Every other indication in our authorities would lead us to believe that the scene was north of the Enipeus. We should certainly suppose that the rear-gate through which Pompey rode when he began his flight was the gate nearest to Larissa;¹ and we should doubt whether, in the presence of Caesar's cavalry, it would have been possible for Pompey to ride or lead his horse down the steep left bank of the Enipeus and up its steep right bank—each 20 feet high—without being caught. Moreover, Caesar's object was to bring Pompey to action as soon as possible.² We may fairly assume then that he would not have unnecessarily encamped in a position which Pompey would know that he could not even approach without heavy loss, and from which, if Pompey acted like a rational commander, it would be impossible to approach him without incurring the same fate. Again, Plutarch, as we have seen, states that on the morning of the battle Caesar was about to march to Scotussa. On the theory that the battle was fought south of the Enipeus he intended to cross a river whose banks were 20 feet high with all his equipage under the eyes of Pompey's army.

General von Göler and Sir William Napier separately and independently argued that the battle could not have been fought on the south of the Enipeus. Von Göler³ says that as Pompey came from the north, namely, from Larissa, Caesar may be supposed to have also encamped on the northern side of the Pharsalian plain, in order to prevent him from utilizing the resources of this rich region. M. Heuzey⁴ replies that 'in a civil war . . . in the midst of conquered provinces, which had been long reduced to submission, bases of operations were inevitably less fixed and had less importance . . . everything would be open to the conqueror, while the conquered could not even count upon securing a line of retreat. Caesar had himself . . . compromised his communications by quitting Italy for Epirus, and then Epirus for Thessaly.' Pompey's base, he adds, was not Larissa only; for, according to Appian,⁵ he had secured roads, harbours, and fortresses, by which he could draw supplies from all parts. The most important places for him to hold were the Gulf of Volo [the Sinus Pagasaeus, about 25 miles east of Pharsalus], and especially Demetrias on its northern shore. It was in order to secure the routes leading to this gulf that he determined to choose a position south-east of Caesar's camp, even at the risk of endangering his line of retreat to Larissa. Why, then, we may reasonably ask, did he retreat to Larissa, and thence to the sea, although the road leading to the gulf was twice as short? Cannot M. Heuzey see that nothing was easier than for Caesar, who was the first to reach the Pharsalian plain, to encamp in such a position that he could at once command the roads leading to Pharsalus

¹ See *American Journal of Philology*, vi. 1885, p.

182.

² *B.C.* iii. 84, §§ 1-2; 85, § 2.

³ *Caesars gall. Krieg*, etc. ii. 1880, p. 149.

⁴ *Les opérations mil. de J.C.* pp. 120, 122-3.

⁵ *B.C.* ii. 66.

and all places to which Pharsalus gave access on the south and to the Gulf of Volo?¹

Von Göler argues further that 'the Enipeus would have formed such a serious obstacle to the flight of Pompey's troops and have contributed so greatly to the breaking up of his army that Caesar would certainly not have omitted to mention it. Pompey's cavalry,' he adds, 'after their defeat fled immediately at full speed to the hills. If they had been obliged first to cross the river, the operation would have been very difficult, and it is nowhere mentioned.'² These objections, as we shall presently see, have been turned by M. Heuzey, Stoffel, and Dr. Kromayer; but, if I am not mistaken, they remain valid.

Long³ contends that if Pompey had crossed the Enipeus in order to encamp south of it, Caesar would have mentioned the fact, as it would have been a part of Pompey's arrangements for battle. I do not think that any fair critic who intimately knows the *Commentaries* will underrate this argument.

Napier's arguments, which were stated in a private letter, are summarized as follows by Long⁴:—'It seems impossible that a great general like Caesar should allow Pompeius to pass the Enipeus before him and cut him off from Pharsalus and Scotussa, and also from one of the roads to Thermopylae which endangered Caesar's troops in Greece.'⁵ It is also impossible that so great a general as Pompeius would pass the Enipeus in the face of Caesar's army⁶. . . moreover, Caesar does not mention Pompeius's passage of the river; he does not indeed mention his own, but there was no need of that: it was part of his march when no enemy was near him. Napier [also] asks how could Pompeius fly to Larisa by the Decuman gate, if the battle was fought where Leake places it. Caesar's troops were between him and Larisa. Also, how could the flying men of Pompeius cross the Enipeus and make for Larisa? They would have been cut to pieces before they could cross the river.'⁷

This last objection, as we have seen, has been turned by M. Heuzey, Stoffel, and Dr. Kromayer, all of whom suppose that the beleaguered Pompeians surrendered at the foot of Karadja-Ahmet, south of the river: but of course they

¹ Dr. Kromayer (*Antike Schlachtfelder*, etc. ii. 403), who also quotes Appian and infers that Pompey must have drawn his supplies from the Gulf of Volo as well as from Larissa, argues that his lines of communication must have extended northward and eastward and Caesar's southward and westward. No doubt Pompey had a *dépôt* on the gulf; but in answering M. Heuzey I have answered Dr. Kromayer. Is not the passage in Appian (δὲ Πωμπεῖον μὲν ἦν πανταχόθεν) οὐκ ἔστι γὰρ αὐτῷ προσέτιοντο καὶ ὁδοὶ καὶ λιμένες καὶ φρούρια, ὡς ἐκ τε γῆς διὰ φέρεσθαι, καὶ διὰ θαλάσσης πάντα δυνάμεν αὐτῷ φέρειν) based partly upon a reminiscence of Caesar's description (*B.C.* iii. 47. §§ 3-4) of Pompey's resources at Dyrrachium:—*illi omnium rerum copia abundaret; cotidie enim magnus undique nauis numerus conueniebat, quae comestum supportarent, neque ullus flare uentus poterat quin aliqua ex parte secundum*

cursum haberent? Appian was not so accurate a writer that we must assume that he intended his statement to apply to Pompey's situation after he had reached the neighbourhood of Palaepharsalus.

² *Caesar's gall. Krieg*, etc. ii. 1880, p. 152.

³ *Decline of the Roman Republic*, v. 216.

⁴ *Ib.* p. 220.

⁵ See Plutarch, *Caesar*, 43.

⁶ It is hardly necessary to say that the passage of the Trebia by the Romans before the battle of the Trebia and of the Aufidus by the Romans and the Carthaginians before the battle of Cannae prove nothing against Napier's argument. The circumstances in these two cases were utterly different from those in which Pompey and Caesar acted.

⁷ 'Napier,' says Long, 'makes some other objections,' about which Long is silent.

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⁵ *B.C.* iii. 8.

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are all obliged to assume that the fugitives had intended to attempt the passage; and Dr. Kromayer¹ himself, in criticizing Mommsen, insists that it would have been impossible to cross the Enipeus in the presence of an enemy. Is it reasonable to assume that Pompey would have placed them in a position in which they might be driven to attempt the impossible?²

Colonel Leake, however, saw nothing absurd in supposing that the routed Pompeians had made good their retreat across the Enipeus; and it is only fair to let him speak for himself. 'What,' he asks, 'was to hinder them? The same route by which they came was still open to them; they had begun their retreat before Caesar attacked and took the fortified camp, which attack, with its consequences, must have occupied some hours. After such a battle, the legionaries of Caesar were not in the best condition to begin a long chase, even were it likely that Caesar should have permitted them to do so, after he had issued his commands that the adverse legionaries should be spared.'³

'What was to hinder them?' 'Nothing,' answers Long,⁴ 'except the impossibility of a defeated army retreating under such circumstances. But there was no retreat to Larisa even under the more favourable circumstances which existed on the real field of battle north of the Enipeus. When Caesar's third line advanced, the men of Pompeius could resist no longer, and they all turned and fled. This is what Leake names a retreat, but it was a disorderly flight, and [on Leake's theory] across a river, if the battle was fought south of the Enipeus.' After the battle Caesar's legionaries, who were in far better condition than those of Pompey,⁵ were as able to pursue as the latter to retreat: at all events they were capable of beginning one earthwork, constructing and completing another, and intercepting their enemies by a six miles' march.

M. Heuzey⁶ lays great stress upon the passage in which Dion Cassius⁷ says that Pompey had not made his camp on a suitable spot and had not secured a line of retreat (οὐδὲ τὸ στρατόπεδον ἐν ἐπιτηδείῳ ἐποιήσατο οὐδ' ἀναφυγὴν οὐδεμίαν ἡττηθέντι οἱ παρεσκεύασε); but I suspect that Pompey knew his own business better than his rhetorical critic.⁸

Against the view which would discover the battle-field in the southern half of the Pharsalian plain it has often been urged that Caesar would not have described the Enipeus as a rivulet (*riuus quidam*); but Stoffel,⁹ who knew how to carry war into the enemy's country, treated the objectors with scorn.

'A combien de discussions oiseuses,' he exclaimed, 'ne se sont pas livrés, soit les commentateurs qui n'avaient pas vu les lieux, soit les ignorants qui les ont visités, sous

¹ *Antike Schlachtfelder*, etc. ii. 410.

² See p. 287, n. 6, *infra*.

³ *Trans. Roy. Soc. of Literature*, 2nd ser. iv. 1853, p. 87.

⁴ *Decline of the Roman Republic*, v. 219.

⁵ *B.C.* iii. 85, § 2.

⁶ *Les opérations mil. de J.C.* p. 123. ⁷ xlii. 1, § 3.

⁸ Dr. Kromayer (*Antike Schlachtfelder*, etc. ii. 419-20) argues that 'from a strategical point of view the position [on Mount Krindir, south of the Enipeus,

which he believes Pompey to have selected for his camp] was not unfavourable'; for, although 'in case of a defeat his retreat to Larissa was, to be sure, cut off,' he could not have made good his retreat in any case. For him the alternatives were victory or annihilation. Besides, who in Pompey's camp admitted the possibility of defeat?

Obviously, whatever this argument may be worth, it is no answer to the objections stated in the text.

⁹ *Guerre civile*, ii. 243-4.

prétexte que le mot *rius*, employé là par César, ne peut vouloir désigner l'Enipee. César n'écrivait ni pour les grammairiens, ni pour les discoureurs de l'avenir; il écrivait comme homme de guerre et non comme géographe. S'il donne le nom de *rius* à l'Enipee, c'est que le jour de la bataille cette rivière n'avait pas plus d'eau qu'un ruisseau. Aussi ne fut-il frappé que de l'obstacle dû à l'escarpement des rives, "impeditis ripis," et de l'appui que cet obstacle donnait à la droite de l'armée romaine.'

It may be freely admitted that Caesar did not write for grammarians, and that he wrote as a soldier and not as a geographer: but he was a grammarian himself; and there is no necessary inconsistency between writing as a soldier and using words in a sense which is not absurd. 'RIUS,' says Forcellini, 'proprie et uniuersim est aqua fluens, a fonte vel flumine deducta, siue canali manufacto, siue naturaliter decurrens, non tamen ea quantitate ut amnis dici possit'; and he aptly quotes a couplet from Ovid (*Ex Ponto*, ii. 5, 21-2):—

ingenioque meo, uena quod paupere manat,
plaudis, et e riuo flumina magna facis.

Even assuming that the Enipeus on the day of the battle contained no more water than a rivulet,² would not Caesar have given to this famous river its familiar name? Let us examine his *usus loquendi*. If any one will analyze the passages which Meusel has collected in his *Lexicon Caesarianum*³ (s.v. *flumen*), he will find that Caesar mentions twenty-three rivers by name,—the Aliacmon, Apsus, Arar, Axona, Bagrada, Cinga, Danuvius, Dubis, Elaver, Garumna, Genusus, Hiberus, Liger, Matrona, Mosa, Rhenus, Rhodanus, Sabis, Scaldis, Sequana, Sicoris, Tamesis, and Varus; and that in every instance in which he mentions a stream without naming it either it was demonstrably small, or he had not seen it himself, or it was so insignificant that he probably did not know its name.⁴ He occasionally calls a small stream by the generic name of *flumen*, just as in one passage he calls small boats by the generic name of *naues*⁵: but I can find no evidence that any stream of respectable size was ever called a *rius*; and since it was Caesar's habit to name considerable streams, it is not

¹ *Totius latinitatis lexicon*, v. 1871, p. 247. Cf. S. P. Festi *De verborum significatione*, ed. C. O. Müller, 1839, p. 273.

² As Professor Postgate has pointed out (*M. Annaei Lucani de b.c. lib. vii. p. xxxix*), when Stoffel insists that the Enipeus had no more water than a brook, he contradicts Frontinus and Lucan—'two out of the three authorities on whom the identification [of the *rius* with the Enipeus] is based'—who both affirm that it had overflowed its banks. Yet Stoffel himself says (*Guerra civile*, ii. 251) that when it is merely a question of reporting facts Lucan 'shows himself one of the most faithful of historians.'

³ i. 1313-22.

⁴ The following are the streams which he did not name:—(1) the river (Dranse) which flowed past Octodurus (Martigny) into the Rhône (*B.G.* iii. 1, § 6); (2) the river (Stour) on the banks of which he defeated the Britons on the morning after his second

landing in Britain (*ib.* v. 9, § 3); (3) the *rius* which he crossed when he was marching in 54 B.C. to relieve Quintus Cicero (*ib.* 49, § 5); (4) the river in crossing which Indutiomarus was killed (*ib.* 58, § 6); (5) the river near which Labienus defeated the Treveri (*ib.* vi. 7, § 5); (6) the little stream at Avaricum (Bourges) (*ib.* vii. 15, § 5); (7) the two streamlets that encompassed Alesia (Mont Auxois) (*ib.* 69, § 2); (8) the river Aternus, near Corfinium (*B.C.* i. 16, § 2); (9) the *rius* which bounded the camp of Scipio when he was threatened by Gnaeus Domitius (*ib.* iii. 37, § 3); (10) the rivulets near Dyrrachium (*ib.* 49, § 4); (11) the *rius* whose identity we are discussing; and (12) the stream which washed the base of the hill on which the Pompeians, after the battle of Palaepharsalus, made their final stand.

⁵ *B.G.* vii. 61, § 5. Cf. *my Caesar's Conquest of Gaul*, 1899, pp. 763-5.

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unreasonable to suppose that if Pompey's right wing had rested on the famous Enipeus, Caesar would have mentioned the fact.

But, it will be objected, Frontinus says distinctly that Pompey's right flank was 'close to the river Enipeus, which both by its channel and its overflow made the locality impassable.' He does: but Caesar does not; and the difference is considerable. Besides, on any theory the Enipeus was very close to the battle-field; and, assuming that Pompey's right flank rested immediately upon a rivulet, and not upon the Enipeus, the 'overflow' of the latter may have extended sufficiently far to give colour to Frontinus's statement; while if he erred, his mistake is easily explicable.¹ Every one must decide for himself whether it is more likely that Caesar would have departed from his constant habit and used an absurdly misleading word,² or that Frontinus made a very natural topographical mistake, which, for his purpose, was immaterial. Furthermore, this should be borne in mind:—if the *riuus* was not the Enipeus, the battle was not fought on the southern bank; if the Enipeus and the *riuus* were one, the battle may have been fought on the northern bank.

V.

Let us now examine, without repeating these general considerations, the various topographical theories.

I. Colonel Leake³ affirms that 'there can scarcely remain a doubt . . . that the camp of Pompey was on the heights . . . eastward of Férsala [that is to say, on the heights of Krindir], and that of Caesar at or near Hadjéverli, at the foot of the rocky height which advances into the plain three miles westward of Férsala.' Accordingly he believes that Pompey's line of battle extended, with its right resting on the Enipeus, along the road between Pharsalus and Larissa. The *mons sine aqua* he identifies with 'the mountain which rises immediately above the position of the Pompeian camp';⁴ the hill on which the Pompeians made their final stand with one of the hills near Scotussa; and the stream which flowed beneath it with that 'which Herodotus has named Onochonus.'

Stoffel⁵ objects that Pompey would not have had room to form his army on the days which preceded the battle on the lower slopes of the hill on which Leake supposes him to have encamped. Start, says Stoffel, from Mount Anavra—the westernmost of the heights which border the Pharsalian plain on

¹ Mr. Perrin (*American Journal of Philology*, vi. 1885, p. 186) argues that 'in Livy . . . who followed an account of the battle which certainly was not from so competent a witness as Caesar or Pollio [cf. H. Grohs, *Der Werth des Geschichtswerkes des Cassius Dio*, 1884, p. 69], there may have been expressions of local description which led Frontinus to call the stream covering Pompey's right the Enipeus: at the same time he suggests (p. 189) that Frontinus's statement may be 'his own expansion and elucidation of

Caesar's "riuus quidam impeditis ripis,"'; but, as he reasonably adds, the Enipeus, being 'the main river of the scene . . . would naturally suggest itself to one indifferent about and ignorant of the exact geographical details.'

² See p. 286, n. 4, *infra*.

³ *Travels in Northern Greece*, iv. 1835, pp. 481, 483.

⁴ *Trans. Roy. Soc. of Literature*, 2nd ser. iv. 1853, p. 87.

⁵ *Guerre civile*, ii. p. 242.

the south—and ride along their base. Not until you approach their eastern extremity—the hill of Karadja-Ahmet—will you find a site on which Pompey could have ranged 50,000 men in line of battle on the lowest slopes. Dr. Kromayer¹ (who defends Leake because he himself adopts one half of his theory) replies that Caesar does not say that Pompey's army was drawn up *on* the slopes of the hill on which his camp stood: according to Caesar, it was drawn up '*ad infimas radices montis* . . . and therefore,' says Dr. Kromayer, 'at the foot of the hill and in the plain.' When, he adds, Caesar remarks that on the morning of the battle Pompey had advanced, contrary to his custom, 'further from the rampart . . . so that there appeared to be a chance of fighting on ground which was not unfavourable' (*longius a uallo . . . ut non iniquo loco posse dimicari uideretur*), he makes it clear that the *iniquitas loci* consisted, not in the fact [alleged by Stoffel] that the Pompeians had previously formed upon the slopes of the hill, but in the fact that they had remained too close to their camp. I admit that Caesar's remark, *taken by itself*, might bear Dr. Kromayer's interpretation; but I am inclined to think that Stoffel understood the words *ad infimas radices montis* better than his critic. If Caesar had meant what Dr. Kromayer says, would he not have written *sub ipsis radicibus montis*?² He says that on the days which preceded the battle he 'formed his line at the foot of the hills occupied by Pompey' (*collibus Pompeianis aciem subiceret*).³ Compared with the statement that Pompey regularly formed his own line *ad infimas radices montis*, do not these words prove that Pompey's line was *on* the slopes of the hill?

Let us, however, admit, for the sake of argument, that Stoffel's objection was groundless. Still, it remains certain that the distance *in a straight line* from the point where, accepting Leake's identification of the *mons sine aqua*, Caesar must have begun his march to intercept the Pompeians to the point where he must have finally confronted them, is at least nine miles. That Leake uneasily anticipated this objection may be inferred from his having, in defiance of the *Commentaries*,⁴ supposed Caesar 'to have computed his distance of six miles from the banks of the Enipeus'! How he contrived to persuade himself that the fugitives succeeded in passing those banks unscathed, and that this extraordinary feat was ignored by Caesar, we have already seen.

2. Mommsen⁵ was in some measure impressed by von Göler's arguments, but nevertheless clung to the supposed authority of Appian. His theory was that Caesar encamped on the left bank of the Enipeus near Pharsalus; that Pompey 'pitched his camp opposite to him on the right bank . . . along the slope of the heights of Cynoscephalae'; that, 'as the armies before the battle lay three miles and a half from each other,' the Pompeians could 'secure the communication with their camp by bridges,' but that 'Caesar and his copyists are silent as to the crossing of the river, because this would place in

¹ *Antike Schlachtfelder*, etc. ii. 415.

² Cf. *B. G.* i. 21, § 1; 48, § 1; *B. C.* i. 45, § 6.

³ *Id.* iii. 84, § 2.

⁴ Cf. J. Kromayer, *Antike Schlachtfelder*, etc. ii. 409.

⁵ *Röm. Gesch.* iii. 1889, pp. 424 and note, 428. (Eng. trans. v. 1894, pp. 258-9, and note, 263.)

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too clear a light the eagerness for battle of the Pompeians apparent otherwise from the whole narrative'; that 'the battle was fought on the left bank . . . in such a way that the Pompeians, standing with their faces towards Pharsalus, leaned their right wing on the river'; that 'as soon as the obstinate resistance of the Roman and Thracian guard of the [Pompeian] camp was overcome,' the beaten Pompeians were 'compelled to withdraw . . . to the heights of Crannon and Scotussa, at the foot of which the camp was pitched,' and 'attempted by moving forward along these hills to regain Larissa' until they were forced by Caesar to halt and cut off 'from access to the only rivulet to be found in the neighbourhood.'

Who can wonder that Stoffel¹ characterized Mommsen's account of the battle as a 'récit de pure fantaisie'? It is hardly necessary to point out that Pompey would have found it as hopeless to bridge the Enipeus in the presence of Caesar as the latter found it to repair the bridges over the Allier in the presence of Vercingetorix² and the bridges over the Sicoris in the presence of Afranius;³ that neither Caesar nor his copyists could have had any motive for striving to conceal 'the eagerness of the Pompeians for battle,' especially as their eagerness was 'apparent otherwise from the whole narrative'; that even if the bridge could have been built the disorganized fugitives would have been captured or destroyed in attempting to cross it;⁴ that Pompey would not have expected on the days that preceded the battle that Caesar would be mad enough to attempt to cross the Enipeus in order to attack him; and that Caesar would not have crossed it on several successive days and 'formed his line at the foot of the hills occupied by Pompey' (*continentibus uero diebus ut progredieretur a castris suis collibusque Pompeianis aciem subiceret*);⁵ that if Pompey had attempted to cross the river on the morning of the battle in order to attack Caesar, Caesar would have destroyed his army before the battle could begin; and that Caesar distinctly says that he formed his line before the battle 'on approaching Pompey's camp' (*cum Pompei castris adpropinquasset*),⁶—an expression which he could not have used without absurdity if the camp had been 'on the slope of the heights of Cynoscephalae' on the further bank of the Enipeus.

3. M. Heuzey differed on one important point from all the writers who agreed with him in placing the battle-field south of the Enipeus:—he refused to identify that river with the *riuus* on which Pompey's right wing rested. Accordingly he was compelled to identify it with the Tabakhana, a stream which rises just north of Fersala, and, flowing in a direction roughly parallel with the Enipeus and from 3 to 4 miles south of it, enters the river which Stoffel calls the Phersalitis, about 13 miles west by north of Fersala. This

¹ *Guerre civile*, ii. 252.

² *B.G.* vii. 35.

³ *B.C.* i. 50.

⁴ Mommsen argues (*Röm. Gesch.* iii. 1889, p. 425, note) that 'the retreat at least of their centre and their right wing was not accomplished in such haste

as to be impracticable under the given conditions,' but admits that the retreat of the left wing 'was not accomplished without severe loss.' But the infantry (*B.C.* iii. 94, § 2) fled all together.

⁵ *B.C.* iii. 84, § 2.

⁶ *Jb.* 88, § 1.

stream, which M. Heuzey describes as a 'large rivulet' (*gros ruisseau*), is, he says, 4 or 5 metres wide,¹ and 'everywhere difficult to cross.'² The battle-field is in his opinion indicated by 14 tumuli in the plain west of Fersala, almost all of which were excavated under his superintendence.³ At the bottom, below interments accompanied by coins and Byzantine pottery, were found layers of cinders mingled with charcoal and white dust, which M. Heuzey regarded as the remains of calcined bones.⁴ He admits that Appian, speaking of the monument which Caesar erected in honour of the brave centurion, Crastinus, implies that the Caesarians who fell were all buried together:⁵ but Caesar did not bury Pompey's dead; and M. Heuzey argues that the inhabitants must have done so. This hypothesis, he remarks, would explain how the tumuli are scattered: they were hastily erected wherever the fugitives fell.⁶ Pompey's camp, he maintains, can only be found at one spot:—'all this part of the chain [of heights which border the plain on the south] is a wall of precipitous rocks; it only opens at one point, about the middle, to form an amphitheatre of gently undulating slopes, called Khardharia. The position is just suited for a camping-ground.'⁷ The hill without water which the fugitives were obliged to abandon he identifies with the scarped plateau of Alogopati, which rises high above Khaidharia on its south, and the hill, washed by a stream, on which they made their final stand, with Karadja-Ahmet. In other words, M. Heuzey, who places the battle-field more than 6 Roman miles west-south-west of the site which Stoffel selected, agrees with him in his choice of the hill washed by a stream!

But although to M. Heuzey this fact, which compels him to set Caesar's testimony aside, presents no difficulty, he admits that his theory is open to one objection. The Tabakhana, he remarks, 'instead of passing along the battle-field, cuts it in two.'⁸ This difficulty, however, is only apparent; for 'the configuration of its [the Tabakhana's] bed and that of the country which it traverses seem to prove that its waters no longer follow their natural and primitive course. Thessaly, and in particular the Pharsalian plain, present other instances of similar changes.'⁹

Yes, but deserted channels remain to attest them!¹⁰ If M. Heuzey could produce the faintest evidence, I should be willing to admit that the Tabakhana might have changed its course in any direction, not involving a miracle, which suited his convenience. He tells us, however, that Caesar's camp was on a spot, now covered by a wood, a little south of the village of Kousgounar, and 6 kilometres from Khaidharia,—a distance which, as he points out, exactly corresponds to the 30 stades of Appian.¹¹ But what avails this correspondence when the

¹ Dr. Kromayer (*Antike Schlachtfelder*, etc. ii. 406) says that M. Heuzey's estimate is too high, and that the Tabakhana is only about 2 metres broad.

² *Les opérations mil. de J.C.* p. 132.

³ *Id.*

⁴ *Id.* pp. 114, 116.
⁵ δ Καίσαρ . . . τῶν ἐξαιρετῶν ἀνέστησεν ἐγγυτὸν πολυανδρίῳ (*B.C.* ii. 82).

⁶ *Les opérations mil. de J.C.* pp. 117-8.

⁷ *Id.* p. 133.

⁸ *Id.* p. 134.

⁹ *Id.*

¹⁰ *Id.* pl. vii. The only instance in the Pharsalian plain is that of the Aikli.

¹¹ *Id.* p. 135.

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map shows that Caesar's army, before wheeling into line of battle, would have had to cross the *rius* which, as M. Heuzey himself insists, is 'everywhere difficult to cross'? As for the tumuli, even supposing that the oldest interments which they contain could be proved to be Roman, the group whose contents are described by M. Heuzey is several kilometres north-west of the alleged battle-field, and therefore obviously far from the line of flight of the routed Pompeians.¹ Furthermore, as Dr. Kromayer² remarks, M. Heuzey places Pompey's camp in a valley between high hills although Caesar places it on a hill: he is constrained to assume that the decuman gate, through which Pompey fled northward to Larissa, looked southward; and the distance from his *mons sine aqua* to the place which Caesar reached *commodiore itinere* is not 6 but 9 miles in a straight line!

4. Stoffel, as we have seen, places Pompey's camp on one of the heights of Karadja-Ahmet.³ Let us provisionally accept his statement (with which I agree) that this is the only hill [south of the Enipeus] which corresponds to Caesar's description.⁴ But it does not appear that he took the trouble to examine the country north of the river: he does not, even for the sake of argument, admit the possibility that the battle may have been fought there. Let us see how he is obliged to twist and torture Caesar's text in order to force it, if possible, into some show of agreement with his own theory. Not only does he insist that Caesar designated the Enipeus as a 'rivulet,' but, whereas Caesar says that the Pompeians fled along the crest of the hills (*iugis iis* [or *eius*]), he tells us that their line of flight was marked by 'an extensive hollow' (*une large dépression de terrain*);⁵ and, whereas Caesar makes it clear that when he began the march by which he intercepted the fugitives he started from the earthwork which he was constructing round the waterless hill (*mons sine aqua*), Stoffel is obliged, in order to extend the length of his march to 6 miles, to make him go back without any necessity and start 'from the field of battle' (*du champ de bataille*).⁶ But the most interesting feature of the colonel's map is his delineation of the 'more convenient route' (*commodiore itinere*) by which Caesar marched. Would it have been more convenient first to cross the 'rivulet,' 70 yards wide with its steep banks 20 feet high, and then, after crossing four real rivulets on its right bank, to recross it in order to construct the earthwork which was designed to prevent the fugitives from getting water? And since, in order to get water, it would have been necessary first to descend the steep banks and then to reascend them in the presence of Caesar's troops; since, in order to retreat to Larissa, it would have been necessary to pass those same banks in despite of a victorious army, would the construction of the earthwork have been worth the trouble which it cost? Is it to be wondered at that (to say nothing

¹ Cf. J. Kromayer, *Antike Schlachtfelder*, etc. ii. 413.

² *Ib.* p. 412.

³ Stoffel affirms (*Guerre civile*, ii. 243) that at various points on the right of Pompey's alleged camp

the slopes of the hill show traces of having been artificially scarped, which, if it is a fact, does not prove that the work was done by Pompey.

⁴ See p. 281, *supra*.

⁵ *Guerre civile*, ii. 244. ⁶ *Ib.* p. 250 and pl. 17.

of the anticipatory objections of Sir William Napier and of General von Göler, Mr. Warde Fowler¹ should have remarked that Stoffel 'failed . . . to reconcile his view with Caesar's language'?

5. Last of all comes Dr. Kromayer,² whose theory is virtually a combination of the theories of Leake and Stoffel. Like the former he places Pompey's camp on Mount Krindir;³ like the latter he identifies the hill on which the Pompeians made their final stand with the easternmost hill of Karadja-Ahmet. He supposes that Caesar encamped about half a mile north of the Tabakhana and about two miles and one furlong north-west of Pharsalus; that Pompey's line of battle extended from the Enipeus, which it touched just east of the Larissa road, to a point about a quarter of a mile north of Pharsalus; that the hills to which his cavalry fled were south of Mount Sourla and about two miles east by south of Pharsalus; that the *mons sine aqua* was the hill just east of Mount Sourla, which, as he says, is itself inaccessible on its northern side; that the Pompeians fled thence to Karadja-Ahmet by a long and circuitous route, leading for about a mile and a quarter nearly due south and then gradually winding eastward and north-eastward; and that Caesar marched in the plain along the northern fringe of the hills to intercept them, and, turning Karadja-Ahmet, constructed his earthwork along and close to the southern bank of the Enipeus.

Dr. Kromayer finds no difficulty in supposing that Caesar called the Enipeus a *rius* in chapter 88 and a *flumen* in chapter 97 without giving the slightest indication that *flumen* and *rius* were the same. To him this style of writing seems quite natural, and 'is to be explained by the contrast between the broad bed of the river and the small amount of water in the summer.'⁴ He reminds us that Caesar calls the same hill a *mons* and a *collis* in chapter 85, and that the least insignificant of the *flumina* which he mentions in

¹ *Julius Caesar*, 1892, p. 298, note.

M. Heuzey (*Les opérations mil. de J.C.* p. 131) denies that Karadja-Ahmet, surrounded as it is by the Enipeus, can have been the *mons sine aqua*; but this is hardly a valid objection. Karadja-Ahmet is a 'massif,'—a mountain mass; and the particular hill on which, according to Stoffel (pl. 17), the Pompeians were grouped when Caesar began to throw up an earthwork round it, is without water.

² *Antike Schlachtfelder*, etc. ii. 417–20, 424. Cf. W. Drumann, *Gesch. Roms*, ed. P. Groebe, iii. 751.

³ M. Heuzey (*Les opérations mil. de J.C.* p. 131), in criticizing Leake's theory, objects that Mount Krindir is 'covered by sharp rocks, which make it impossible to encamp there.' Dr. Kromayer (*Antike Schlachtfelder*, etc. ii. 417, n. 1), admitting that M. Heuzey's observations are correct in so far as they refer to the summit and north-eastern declivity of Krindir properly so called—the highest and northernmost of the three low hills which are known by that name—points out that on the smaller hills and the plateau-like saddle which connects them with each other and with Mount Sourla there is excellent camping-ground.

Dr. Kromayer (*ib.* p. 418), remarking that Pompey must have drawn his water-supply from the Enipeus, and must therefore have made arrangements for the protection of his water-carriers, argues that one of Plutarch's statements is explained by the hypothesis that Pompey's redoubts (*castella* [*B.C.* iii. 88, §4]) were in the plain between his camp and the river. Plutarch, as we have seen (p. 274, *supra*), says that the camp was close to marshy ground, and that Brutus escaped by a gate leading to a marshy spot full of water. Dr. Kromayer regards this statement as a proof that Brutus had encamped in the redoubt nearest to the river. But Plutarch does not say that Brutus had his own encampment close to marshy ground; he only says that the Pompeian encampment was so situated. Anyhow his statement is obviously consistent with the view that the battle-field was north of the Enipeus.

⁴ W. Drumann, *Geschichte Roms*, ed. P. Groebe, iii. 751, n. 4. Mr. A. G. Peskett (*Class. Rev.* xxi. 1907, p. 187) pleads that the Enipeus 'might at one time be a raging torrent, at another a thread of water, in other words, it might at one time be a *rius*, at another a *flumen*.' Surely not on the same day!

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chapter 49 is only 5 kilometres long.¹ I have already observed that Caesar uses the generic term *flumen* of small as well as of large streams; but there is not a single certain instance in which either he or any other writer describes a considerable stream as a *riuus*. Moreover, the dullest reader could not fail to see that the *mons* of chapter 85 was identical with or included the *collis*; whereas the most intelligent would infer *a priori* that the *flumen* of chapter 97 was different from the *riuus* of chapter 88.

I need not repeat objections which apply to Dr. Kromayer's theory in common with the other four. Nor need I insist upon the fact, which I have established,² that on the days which preceded the battle Pompey formed 50,000 men in line of battle on the lower slopes of the hill on which his camp stood, and that he could not have done so on the hill of Krindir. But one may reasonably ask whether Caesar would have said that the hills to which the Pompeian infantry fled 'adjoined the camp' (*ad castra pertinebant*),³ if, after abandoning it, they had been obliged to descend into the plain and move across it for 500 or 600 yards⁴ before ascending the *mons sine aqua*; how he could have said that the circuitous route which Dr. Kromayer traces, and which in its first stage led in a direction opposite to that of Larissa, was towards Larissa; and how he could have divined that the fugitives, if they took this route, intended to cross the Enipeus in the neighbourhood of Karadja-Ahmet, where its banks are far more difficult than higher up,⁵ or, indeed, that they intended to make for Larissa at all. Dr. Kromayer⁶ himself insists that it would have been impossible for them to cross the Enipeus in the presence of Caesar's army: why, then, did they not cross it higher up, as, on Dr. Kromayer's theory, they could have done before Caesar had time to intercept them? Why, indeed, did they attempt to retreat to Larissa at all, seeing that, as the doctor assures us,⁷ by the mere fact of crossing the Enipeus they had made such a retreat utterly desperate?

Still, if I were constrained to believe that the battle was fought south of the Enipeus, I should say that Dr. Kromayer's theory is on the whole less vulnerable than those of his rivals.

VI.

Except a pen-and-ink sketch-plan by Sir William Napier, mentioned by Long,⁸ and based upon erroneous data, the only attempt, so far as I know, that has been made to locate the battle-field on the northern bank is that of von Göler,⁹ who, also, as we have seen, was obliged to use an extremely

¹ *Antike Schlachtfelder*, etc. ii. 411, n. 3.

² See p. 282, *supra*. ³ See p. 273, *supra*.

⁴ See Dr. Kromayer's map (Karte 12).

⁵ L. Heuzey, *Les opérations mil. de J. C.* p. 105.

⁶ 'Diese Überschreitung ist aber eine Unmöglichkeit, wenn der Feind so nahe im Nacken sitzt' (*Antike Schlachtfelder*, etc. ii. 410).

⁷ *Ib.* p. 419.

⁸ *Decline of the Roman Republic*, v. 221.

⁹ *Caesars gall. Krieg*, etc. Taf. xv. Fig. 1. Virtually identical with von Göler's theory is that of Herr K. Seldner (*Das Schlachtfeld von Pharsalos*, 1883). This program is not mentioned in the British Museum catalogue; but its contents are summarised in Bursian's *Jahresbericht*, xxxvi. 1885, p. 495.

misleading map. He placed the contending armies between Cynoscephalae and Pharsalus; but M. Heuzey¹ believes that the site which he had in view was the plain of Inéli, between the right bank of the Enipeus and the southern slopes of the hills which extend northwards towards Scotussa. If so, he identified the *riuus* with the rivulet of Orman-Magoula, which M. Heuzey contemptuously describes as a 'maigre filet d'eau . . . que nous avons traversé, au mois de juillet, en mouillant à peine le sabot de nos chevaux.'² In other words, M. Heuzey would argue that this streamlet could not have been called [*riuus* quidam] *impeditis ripis*. But hydrographical conditions were not everywhere the same in Caesar's time as they are now³: the Allier, for instance, which in 52 B.C. was not fordable before autumn,⁴ is sometimes reduced in summer in that part of its course which Caesar describes to a shallow stream; moreover, unless the testimony of Lucan, Frontinus, and Plutarch is to be rejected altogether, either the *riuus* or the Enipeus (if it was the *riuus*) had overflowed its banks.⁵ M. Heuzey, however, argues that if the hill on which the Pompeians made their final stand was near Scotussa, the ancient historians of the Civil War would not have forgotten to mention the battle of Cynoscephalae, which had been fought hard by.⁶ This argument may possibly impress some minds. But M. Heuzey appears to have been momentarily forgetful when he adds⁷ that, as on von Göler's theory Pompey's camp would have protected Scotussa, Caesar would have been unable to execute the movement which he made in order to intercept the fugitives. Surely he could have afforded to disregard Pompey's camp when he had captured it and when its former occupants and Pompey himself were in full flight!

Dr. Kromayer, who,⁸ unlike M. Heuzey, assumes that von Göler's site was opposite Pharsalus, observes that on his theory the battle-field was not between the Enipeus and Pharsalus, and that Pompey's right wing did not rest on 'a brook with steep banks' (*an einem Bach mit steilen Ufern*). But we have seen that the former objection is futile;⁹ and Dr. Kromayer mistranslates the words *impeditis ripis*. Caesar does not say that the *riuus* had steep banks: he only says that its banks were difficult to cross;¹⁰ Dr. Kromayer, however, also objects that in von Göler's plan 'the ridge along which the Pompeians retreated is not to be found'; that 'a hill [he means the *mons sine aqua*] which could be enclosed by an earthwork . . . cannot there be discovered, but only the

¹ *Les opérations mil. de J.C.* p. 125.

² *Ib.* p. 126.

³ See A. Pitt-Rivers, *Excavations in Cranborne Chase*, i. 27; ii. 56; iii. 3; iv. 19-20.

⁴ *B.G.* vii. 35, § 1.

⁵ See p. 274, *supra*.

⁶ *Les opérations mil. de J.C.* p. 128.

⁷ *Ib.* p. 129.

⁸ *Antike Schlachtfelder*, etc. ii. 410. Dr. Kromayer's map misrepresents von Göler's meaning; for it would lead readers to believe that, according to von Göler, Pompey's army was drawn up across the *riuus* instead of resting its right wing upon it.

⁹ See pp. 275-6, *supra*.

¹⁰ Cf. *B.G.* vi. 34, § 2 (*palus impedita*); vii. 19, § 1 (*hunc [collem] ex omnibus fere partibus palus difficilis atque impedita cingebat non lator pedibus quinqueaginta*); vii. 57, § 4 (*is cum animadvertisset perpetuam esse paludem quae influeret in Seguntam atque illum omnem locum magnopere impederet*).

If Caesar had been referring to the Enipeus, would he not have written *altissimis atque praeruptissimis ripis*? Cf. *B.G.* ii. 17, § 5; vi. 7, § 5.

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featureless upland of Cynoscephalæ';¹ that 'the plain at the foot of the hill, into which Caesar ordered the beleaguered Pompeians to descend, does not there exist, but only the narrow valley of Supli'; and finally that 'it is impossible to understand how Caesar could have got in front of the fugitives *commodiore itinere* and barred their retreat, as there can be no question of such a "more convenient route" in uplands which are everywhere undulating and intersected by small valleys.'² Of these objections the first two seem to me reasonable, though not conclusive, for might not the word *ingum* have been fairly used even of undulating uplands if the fugitives had moved along the line of their highest level,³ and is not Caesar's use of the word *mons*—for instance in his description of the battle of Lutetia⁴—sometimes rather vague? Moreover, the objections do not, apparently, apply to the eastern hills, between Scotussa and Orman-Magoula, which von Göler would seem to have had in view. In regard to the plain, Caesar does not say that it was interposed between Larissa and the hill on which the fugitives made their final stand: he only says that the fugitives, when they were about to surrender, descended into it; and the reader will find a plain west of Mount Karadagh marked on M. Heuzey's map. Whether Dr. Kromayer's last objection is valid against the western hills (between Scotussa and the Larissa road) I cannot say; but, as far as I can judge from the map, it does not tell against the heights between Orman-Magoula and Scotussa.

But the object of this paper is not to gain a controversial victory but to help in finding truth; and I will therefore point out the difficulties which seem to me to beset the search for the battle-field on the northern bank. I labour here under the disadvantage of not having yet explored the ground; and my remarks will be purely tentative. The country on the southern bank, as I have already remarked, has been minutely and lucidly described; but for the northern side, except the maps, we have only the general description of Baron Beaujour.⁵

¹ Dr. Kromayer means, as his plan (Karte 11) shows, the undulating hills between the Larissa-Pharsalus road and Scotussa. He refers to Baron F. de Beaujour (*Voyage mil. dans l'empire Ottoman*, i. 1829, pp. 173-4), who observes that 'Entre ces collines [those of "les monts Cynoscéphales"] se prolongent de petites vallées, qui ressemblent de loin aux ondulations de la mer, quand elle est légèrement agitée.' Nevertheless the baron places the battle-field north of the Enipeus.

² Dr. Kromayer also makes these objections against the theories of Leake and Mommsen.

³ In regard to Caesar's use of the word *ingum* see H. Meusel, *Lex. Caes.* ii. 388-9. In *B.G.* vii. 67, § 5, *summu ingum* was undoubtedly the ridge of very gently sloping heights little more than 40 metres above the plain. See my *Caesar's Conquest of Gaul*, 1899, pp. 780-1, and C. Jullian's *Vercingétorix*, 1902, pp. 379-82.

⁴ *B.G.* vii. 62, § 9.

⁵ See n. 1, *supra*. M. Heuzey's plan (Pl. vii.) shows no rivulet on the northern bank which can

possibly be identified with Caesar's *rius* except that of Orman-Magoula. Stoffel's (Pl. 17) shows two small *riui* east and west of the Larissa-Pharsalus road and both within less than a quarter of a mile of it, but *not flowing into the Enipeus*. In Kiepert's *Formae orbis antiqui* (xv.) only the western of these is traced, entering the Enipeus a little more than half a mile west of the road; and the same remark is applicable to Dr. Kromayer's Karte 11, which is based upon the latest information available (see *Antike Schlachtfelder*, etc. ii. 447-8). Stoffel also shows two tiny rivulets terminating abruptly on the lowest slopes of the heights which ascend towards Scotussa and respectively about one mile five furlongs and two miles and a half east of the Orman-Magoula rivulet; while a rivulet which flows south of the Orman-Magoula railway station and joins the Orman-Magoula rivulet just north of the Enipeus and of the site which he selected for Pompey's camp is also marked in his map.

West of the road between Pharsalus and Larissa the battle cannot have been fought; for the only tract in which there is a hill corresponding to the description of that on which the Pompeians made their final stand is in the neighbourhood of Scotussa. M. Heuzey¹ maintains that if the site was north of the Enipeus it must have been in the plain of Inéli. In this case Pompey must have encamped on the lower slopes of the hills which rise towards Scotussa and Cynoscephalae; the *rius* (assuming that it was not the Enipeus) must have been either the Orman-Magoula rivulet or that which joins it just north of the Enipeus and of the site which Stoffel selected for Pompey's camp; and the 'more convenient route' by which Caesar marched to intercept the fugitives would seem to have been that along which Pompey, according to Stoffel, had marched from Larissa to the Pharsalian plain. The objection to this theory is that it apparently conflicts with the statement that the battle was fought at Palaepharsalus; for, as we have seen,² it is unlikely that Palaepharsalus lay so far eastward. If the plain of Inéli is to be discarded, the only alternative is to suppose that Pompey encamped on the lower slopes of the heights near the road between Larissa and Pharsalus; that the *rius* was one of the two small rivulets which are shown in Stoffel's map³ close to the road on its eastern and its western side; and that the *mons sine aqua* was one of the heights north of Tatar. On this assumption Caesar was probably encamped with his rear resting on the Enipeus and commanding the road; and 'the more convenient route' apparently skirted the undulating hills on their north.

Let us try to hold the balance fairly. If the battle-field was north of the Enipeus, we must suppose either that Appian—a notoriously careless geographer—made a mistake, or that by 'Pharsalus' he meant 'Palaepharsalus'. The latter assumption is quite reasonable, for the author of *Bellum Alexandrinum* used *Pharsalici* as a synonym for *Palaepharsalici*; this writer, Frontinus, Eutropius, and Orosius agree that the battle was fought at Palaepharsalus; and it is therefore, as we have seen, incredible that it could have been truly described as 'between [New] Pharsalus and the Enipeus.' Furthermore, we are obliged to assume that, owing to floods, the banks of a rivulet were virtually impassable, and that Lucan and Frontinus were mistaken in saying that Pompey's right wing rested on the Enipeus, unless, indeed, we admit that Caesar described that river as *rius quidam*. Lastly, we must take account of the objection (which, however, seems to me inconclusive) that north of the Enipeus neither a *mons sine aqua* nor 'a more convenient route' can be found.

On the other hand, if we accept the testimony of Lucan and Frontinus, we must suppose that either on the day of battle or shortly before the Enipeus was in full flood, and therefore unfordable. If so, Pompey could not have crossed it without a bridge, which he could not have built, and which, if it

¹ *Les opérations mil. de J.C.* p. 125.

² P. 275, *supra*.

³ *Guerre civile*, Pl. 17. Cf. J. Kromayer, *Antike Schlachtfelder*, etc. Karte 11.

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already existed, Caesar would most certainly have mentioned. Or, if the Enipeus was fordable, Pompey would have been obliged to make a causeway¹ (which Caesar would also have mentioned) over the morass which both Frontinus and Lucan describe. Anyhow, if the battle-field was south of the Enipeus, we must suppose (1) that Caesar never mentioned this famous river although it played a most important part in the operations which he described; (2) that the four writers (including the only original authority whose work is extant) who affirm that the battle was fought at Palaepharsalus were mistaken; (3) that Caesar, who was anxious to bring Pompey to action, encamped south of the Enipeus although, in the opinion of a military critic of the highest class, it would have been folly for him to do so, and although he must have known that Pompey would not, unless he had wholly lost his judgement, attempt to cross it in his presence;² (4) that Pompey did, without any conceivable motive, commit this act of folly and dared to transport 50,000 infantry, 7000 cavalry, his slingers and archers, his baggage train, and an enormous camp equipage down steep banks 20 feet high, across a river 70 yards wide, and up steep banks of equal height,—an operation which would have been absolutely impossible unless his engineers had cut down the banks and constructed long sloping roads; (5) that Caesar looked passively on while his enemies were engaged in this equally rash and tedious operation, although he might have cut them to pieces before they could get across; (6) that he then permitted them to seize the road leading from the river to Pharsalus with its southward connexions and the road leading eastward to the gulf of Volo, although he could easily have preoccupied both; (7) that Pompey formed his army in line on several successive days on the slopes of a hill on which the men would barely have had room to stand if they had been packed as closely as sardines in a box; (8) that, although it was Caesar's otherwise invariable habit to name well-known rivers which affected his operations, although in his choice of words he was notoriously a purist, he described a famous river, 70 yards wide, of whose name he cannot be supposed to have been ignorant, as *rius quidam*, and in another chapter called it a *flumen* without giving the least indication that *flumen* and *rius* were one; (9) that Pompey, by fleeing through the rear gate of his camp, went out of his way, and that, although he had to cross the Enipeus, he was suffered to escape; (10) that Caesar described certain hills as 'adjoining' Pompey's camp, although in order to reach them from the camp it was necessary to descend into and move across a part of the Pharsalian plain; (11) that he described the first stage of his enemies' flight as 'towards Larissa,' although it was in exactly the opposite direction; (12) that the fugitives went far out of their way in order to attempt the utterly impossible feat of crossing the Enipeus where its steep banks were 20 feet high, in the

¹ Cf. *B.G.* vii. 58, § 1.

² It might conceivably be argued, against Sir William Napier, that Caesar would have refrained from opposing Pompey's passage of the Enipeus because he felt con-

fident of being able to defeat him more decisively in a pitched battle. But would Pompey have reckoned upon such forbearance?

THE BATTLE-FIELD OF OLD PHARSALVS

face of a victorious enemy, although they might have crossed it unopposed higher up;¹ and (13) that Caesar made his weary soldiers undergo the laborious task of constructing an earthwork to cut them off from the river although, in order to get water, they would have been obliged first to descend and then to ascend those formidable banks.²

The battle of Palaepharsalus was one of the decisive battles of the world; and the discovery of its site would be a notable gain to historical scholarship. If the hills which skirt the Pharsalian plain are still so far undisturbed that they would disclose their secrets to the excavator,³ would not scholars in every European nation be glad to defray the cost? A small international committee, which Dr. Kromayer would, I hope, be willing to assist, could easily settle the details. I think that they would do well to set their labourers to work first on the north of the Enipeus. If they failed here, they might try the one site on the opposite bank which, even on the hypothesis that Caesar, Pompey, and Pompey's beaten army all behaved in a manner which to a great military critic appeared insane, is not absolutely inadmissible,—the little hill of Krindir.⁴

¹ I need hardly say, however, that if they had done so they would have been intercepted long before they could reach Larissa.

² Unless the river was in flood, in which case no one will argue that they would have dreamed of crossing it.

³ M. Heuzey thinks (*Les opérations mil. de J.C.* p. 113) that 'in a highly cultivated district, where the soil is annually disturbed by the plough, it would be impossible to reckon seriously upon the discovery of any material trace of the camps.' But such traces

would be visible below the 'terre végétale,' which alone would be disturbed by the plough. See Stoffel, *Guerre civile*, ii. 243, and my *Caesar's Conquest of Gaul*, 1899, pp. xxviii-xxx.

⁴ Dr. Kromayer (*Antike Schlachtfelder*, etc. ii. 421, n. 2) thinks that it would be worth while to excavate the two tumuli which are respectively one kilometre north-east of Fersala and one kilometre and a half north-west of Krindir, one of which, he suggests, may be the *τοῦ ἀνδρόπλου* mentioned by Appian (*B.C.* ii. 82).

[NOTE.—The accompanying map is reproduced from Pl. vii. of M. Heuzey's *Les opérations militaires de Jules César*; and the symbols which illustrate the theories of Stoffel and Dr. Kromayer have been copied from their maps—Pl. 17 of *Guerre civile* and Karte 12 of *Antike Schlachtfelder* respectively.]

T. RICE HOLMES.

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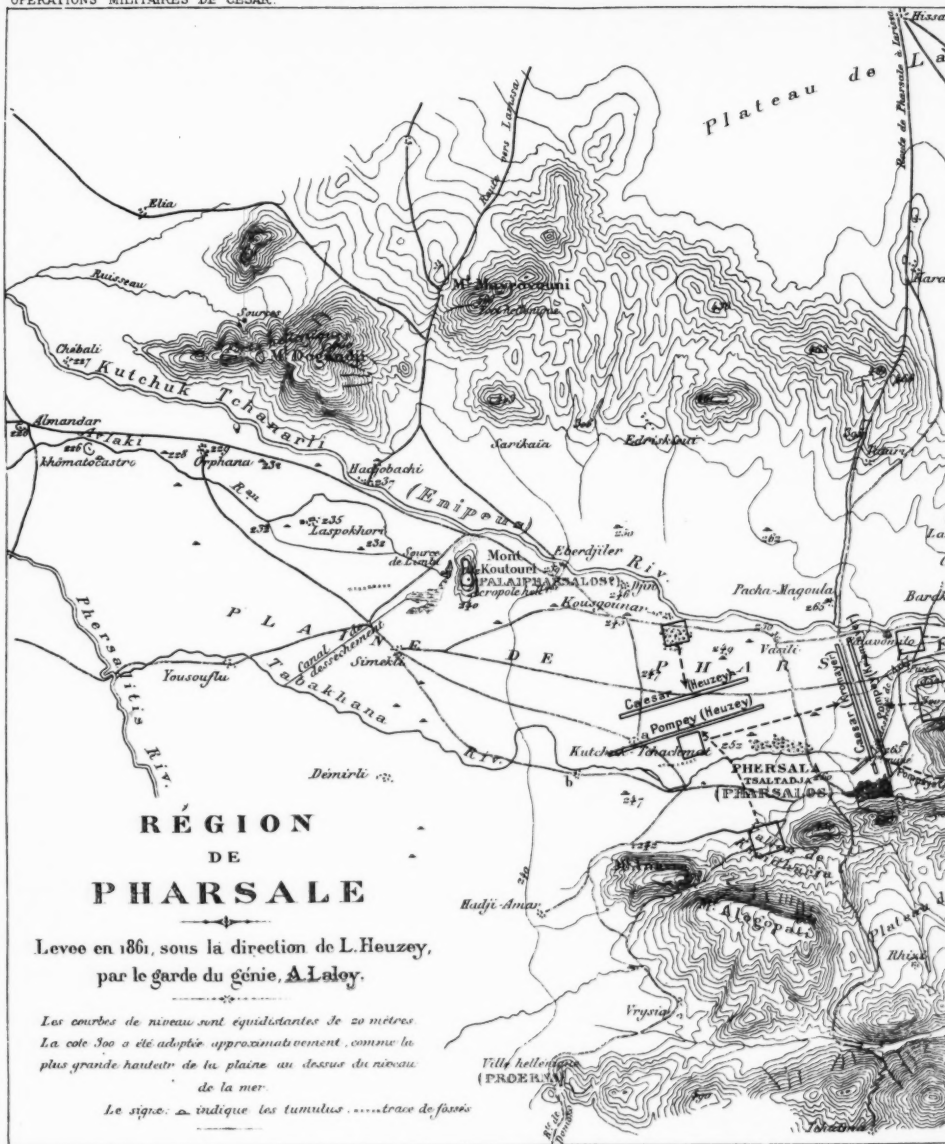
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ON CLEMENT OF ALEXANDRIA. *STROMATEIS*, I. § 158.

IN 1894, when my friend Professor Joseph Mayor published in the *Classical Review* a series of emendations of the *Stromateis* (continued in 1895), I submitted to him emendations of some of the same passages, which gained his approval. I did not publish them because I thought he would be editing the parts of the text concerned. He has not yet done this, and there is one of the emendations which I should like to publish, because it perhaps gives a simple solution of what distinguished scholars have found a great difficulty.

The passage is *Stromateis*, Bk. I. § 158, p. 416 fin. (see Mayor's article, *Classical Review*, vol. viii., July, 1894): τοῦ γὰρ θυμοῦ τὸ μὲν φιλόεικον μόνον ἐστὶν αὐτοῦ τοῦ κρατεῖν ἕνεκα τὴν δυναστείαν πεποιημένων, τὸ δὲ φιλόκαλον εἰς καλὴν καταχρωμένης τῆς ψυχῆς τῷ θυμῷ.

The difficult word is καλὴν, for which no satisfactory emendation has been offered. This passage, in which courage is associated with τὸ καλόν, is possibly a reminiscence of the well-known Aristotelian association of courage with τὸ καλόν in *Nic. Eth.* III. vi.-vii. Now Aristotle recognises as the principal form of courage the courage shewn where it is possible to make an effort to avert the danger (he is thinking of battle), as opposed to the fearlessness (cf. ἀδύς) which may be shewn in an incurable disease or inevitable drowning, and says accordingly: ἀμα δὲ καὶ ἀνδρίζονται ἐν οἷς ἐστὶν ἀλκὴ ἢ καλὸν τὸ ἀποθανεῖν. It seems probable therefore that we should read τὸ δὲ φιλόκαλον εἰς ἀλκὴν καταχρωμένης τῷ θυμῷ.

J. COOK WILSON.

A FEW NOTES ON ATHENAEVS.

THE following few notes owe their existence to the stimulus of Professor Tucker's *Adversaria* in the last number of the *Quarterly*.

23 A-B εἶρηται δὲ τὸ βρέχειν καὶ ἐπὶ τοῦ πίνειν. Ἀντίφανης.
δεῖ γὰρ φαγόντας δαδύλῳ βρέχειν.

Εὐβουλος

Α. Σίκων ἐγὼ
βεβρεγμένος ἤκω καὶ κεκωθονισμένος.
Β. πέπωκας οὗτος; Α. * πέπωκ' ἐγώ,
μὰ Δία τὸν Μενδαῖον.

Sicon, the chief speaker here, attributes his condition to the potent and seductive wine of Mende, which makes even gods forget propriety (Hermippus ap. Athen. 29 E) and of which Athenaeus writes, 129 D, ἐκλαμβάνει πάλιν ἡμῶς θερμός τις καὶ ξωρότερος, οἶνον ὄντων ἡμῖν Θασίων καὶ Μενδαίων καὶ Λεσβίων. And to restore the passage, we must, if I mistake not, follow the clue afforded by the second speaker's words *πέπωκας οὗτος*; when compared with those used in a similar scene of Latin comedy. In the *Miles Gloriosus* of Plautus (829 sqq.) we have a dialogue between Palaestrio and Lurcio,¹ an under-cellarer (*subpromus*), who has been taking advantage of his opportunities to drink with his superior, Sceledrus.

PA. prompsisti tu illi uinum? LU. non prompsi. PA. negas?

LU. nego hercle uero: nam ille me uoluit dicere:

neque ego heminas octo exprompsi in urceum.

neque ille calidum exhibuit in prandium.

PA. neque tu bibisti? LV. di me perdant si bibi,

si bibere potui. PA. quid tam? LV. quia enim obsorbui;

nam nimis calebat, amburebat gutturem.

PA. alii ebrii sunt, alii poscam potitant.

bono suppromo et promo cellam creditam!

The sense here then should be, 'You have been drinking, you rascal?' S. 'I have *not* been *drinking*. I had to gulp it down. It was Mendaean!' In the fourth line τὸν is meaningless, and all the letters of what we require are in Δία τὸν, which should be Δί' ὄντα. In line 3 οὐ is wanted before πέπωκ'.

¹ Lurcio from *lurco*, 'a gourmand,' is a typical name, like Σίκων, an extravagant person, as Meineke has shown, quoting Themistius 34, p. 462, τῆς

Σίκωνα οὐκ ἀποφαίνει Σμικρίνην; (a skinflint). I note this, as Lindsay doubts the tradition.

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For the lost verb I suggest ἡφάνικ' in the sense of 'putting out of sight.' Compare Lynceus ap. Athen. 132 A ἐν ὄσῳ δ' ἐσθίω, | ἕτερος ἐκεῖν' ἐν ὄσῳ δ' ἐκεῖνος, τοῦτ' ἐγὼ | ἡφάνισα: Alcaeus *ib.* 424 D Ἀλκαῖος ἐν ἱερῷ γάμῳ κεραινούσων ἀφανίζουσίν τε 'away goes the liquor,' and Eubulus *ib.* 473 F, where the perfect occurs (quoted by Tucker, *supra* p. 203). My restoration would be then

πέπικας οὔτος; Σ. <ἡφάνικ', οἶ> πέπικ' ἐγώ,
μὴ Δί', ὅντα Μενδαῖον <γε>.

79 C διαμενόντων καὶ μὴ ταχὺ διαλυομένων τῶν σωματίων. σαρκῶν Tucker, building on σύκων. But βρωμάτων seems to account better for the variants, σύκων being a gloss.

349 C (from Machon)

δεινὸς ἀπιδὼν τῇ λύρῃ βρυχώμενος.

Acceptance of Prof. Tucker's βρυχώμενος will require ἀπιδὼν to be ἀπιδόων. The neuter participle would not be so good.

380 E (Ephippus: Kock ii. 261) εἴθ' ὄνων ἱππῶν τε στάσεις καὶ γέμιματ' οἴων. I think Meineke was right in beginning a fresh line with καὶ γέμιματ' οἴων. But the omission of τε leaves a rather clumsy asyndeton, while this asyndeton seems hardly a sufficient reason for an insertion by a copyist. I would propose ὄνων θ' ἱπποστάσεις.¹ The unusual application of ἱπποστάσις to ὄνοι caused its corruption and the transposition of the τε. But the phrase belongs to a class of expressions of which the English 'brass fire-irons' is a typical example. A few may be cited: ἱπποβουκόλος (Eur. *Phoen.* 28): ἱπποκόμος τῶν καμήλων, Philostratus *Vita Apoll.* ii. c. 1: Ar. *Plut.* 819 βουθυτεῖ | ὄν καὶ τράγον καὶ κριόν: cf. *Au.* 1232 θύειν τοῖς Ὀλυμπίοις | μηλοσφαγεῖν τε βουθύτοις ἐπ' ἐσχάrais | κνισάν τ' ἀγνιάς. The last two quotations suggest that Ephippus is here writing burlesque.

385 C (Metagenes: Kock i. 705) ἀλλ' ὃ γαθὲ δειπνῶμεν κᾶπειτά με πάντ' (πᾶν Cobet) ἐπερωτᾶν. νῦν μὲν seems the most likely supplement of the line. The correspondence νῦν μὲν κᾶπειτα need cause no difficulty. αἰ μὲν . . . καὶ νῦν, Soph. *Ai.* i sqq. Cf. Kühner-Gerth, *Gr. Gr.* ii. 2. 271 (5). The post-position, to which the loss is due (δειπνῶμεν νῦν μὲν), is for the sake of emphasis.

424 A (Plato) Professor Tucker's πρόσθετος completes the verse. But ὅσους may quite well be exclamatory, and in addition to this it might have ended the line, as in Aristophanes, *Lys.* 200 ὃ φίλταται γυναῖκες, ὃ κεραιῶν ὅσος! Bergk proposed ἐλεπτέτην, bringing the line into connexion with another fragment of Plato, vi. 229 (Kock, i. p. 633). But this too is uncertain.

J. P. POSTGATE.

¹ Cf. Valckenaer on Herod. 129, Lobbeck, *Ajax*, p. 128, and *Rhematicon*, p. 346 (two references proper phrase. course, that ἱππῶν στάσις is in itself a perfectly proper phrase. which I owe to Mr. Richards). I am aware, of

THE SENATE UNDER AVGVSTVS.

At the Seventh Congress of German Historians held at Heidelberg in April, 1903, Prof. Eduard Meyer delivered an address on the subject of Augustus, in which he expressed his view that the restitution of the republic was a genuine act of renunciation. 'Augustus desired to dwell among his fellow-citizens not as a ruler but as a citizen, of course as the first among them all, as the princeps, like Camillus and the Scipios of old.' If with Mommsen you described the dual control of Caesar and Senate as a Dyarchy you ought not to forget that 'of the two the Senate in theory held complete predominance,' the Emperor was 'its executive, or as Tiberius expressed it, its servant, the Senate was the master (*dominus*).'

This opinion was naturally subject to considerable criticism. Prof. K. J. Neumann of Strassburg held that Augustus could not have conceived so unpractical a purpose. He merely guided the state through the first stage of an inevitable process of development which eventually resulted in the complete monarchy of Diocletian. It was a practical policy limited on all sides by the exigencies of the political position, a compromise tacitly arranged between Caesar and the Senate, who being wealthy and powerful landowners could not be thrust aside as Julius had attempted. Prof. E. Fabricius of Freiburg disputed from the opposite side Mommsen's theory of a Dyarchy in equilibrium between Senate and princeps, insisting that the Senate was in all important matters wholly dependent on the will of the Emperor.

This remarkable divergence of opinion among the foremost ancient historians of Germany has inspired Dr. Abele¹ to examine the actual part played by the Senate under Augustus. Proceeding chronologically through the period, he records the various *senatus consulta*, legal decisions and other activities of the senatorial body. In this matter he is not always fortified by direct authority. It frequently happens that what is here set down as a *senatus consultum* is merely referred to by Suetonius and Dio Cassius as the work of the princeps. It is perhaps unfortunate that a record of the functions of the Senate should thus in many cases rest solely upon such phrases as 'he commanded,' 'he enjoined,' 'he enacted,' the subject in each case being the princeps. But Dr. Abele is justified in reading his authorities thus. Both Suetonius and Dio write with the experience of the developed empire in their minds: they

¹ *Der Senat unter Augustus*, von Theodor Anton Abele. Ferdinand Schöningh. Paderborn, 1907.

are not always concerned to mark what was a *senatus consultum*, what was a *lex*, or to distinguish these from mere edicts. There are cases in which the growth of this tendency can be discerned even as between Suetonius and Dio; shewing that as time went on, even between the second and third centuries A.D., it was become less important to observe such constitutional niceties. A typical case of that kind occurs in Suetonius, *Vit. Aug.* 43. 'He sometimes employed even Roman knights for theatrical and gladiatorial exhibitions, but not after it was forbidden by a *senatus consultum*.' Dio, liv. 2, simply says, 'he forbade such exhibitions.'¹ Such instances seriously vitiate Dio's authority on constitutional points. Yet the fact remains that a great part of Dr. Abele's record is based upon inference.

Accepting the justice of the inferences and even allowing a margin for error, we find brought together here a remarkable and significant record of senatorial activity. In domestic politics it is the Senate that confers authority upon Augustus and upon the members of his house. When famine, flood and fire cause distress in Rome, the citizens besiege the door of the curia to compel the Senate to confer additional powers upon their champion. The Senate possesses, as of old, the right to dispense from the operation of laws, to define magisterial functions and to initiate legislation. In foreign affairs the sovereignty of the Senate is formally recognised. When ambassadors come from a foreign power they address themselves, as of old, first to a leading senator powerful enough to champion their cause. The leading senator is now of course the princeps. He sends them or introduces them to the Senate to state their case, and then it occasionally happens, as it happened with the Parthian embassy of 23 B.C., that the Senate leaves the decision to Augustus. When Augustus is abroad settling the provinces, he writes a report to the Senate. Judicially the Senate now acts as a high court. When Cornelius Gallus misconducted himself in the government of Egypt, a domain peculiarly Caesar's, his master recalled him and punished him by forbidding his entrance to Caesar's house or Caesar's provinces. The Senate thereupon impeached him without Caesar's will. When Volesus Messalla was guilty of cruelty in the senatorial province of Africa, the princeps, here acting as a senator, brought him for trial before the Senate.

Formally, then, the Senate was by no means reduced to impotence. But another point stands out from Dr. Abele's record. The activity of the Senate visibly decreases as time goes on, even during the life of Augustus, until these pages contain little but privileges for Gaius and Lucius, for Tiberius, Drusus and Germanicus, and until a committee of the Senate sitting in the Emperor's house is competent to conduct affairs. It is true that this impression is heightened by an accident for which Dr. Abele fails to allow. For the latter part of the period the text of Dio, upon whom we have to rely for the bulk

¹ G. Ferrero, *Grandeur et Décadence de Rome*, is the 'semi-dictatorial' powers of Augustus, vol. v. misled into making this an example of what he calls p. 146.

of our information, becomes defective; and towards the end foreign wars claim most of the historian's attention. Moreover, the work of reorganisation is complete, the great machine is beginning to run smoothly. If we allow for this, the tendency is lessened, but it remains a distinct tendency justifying the view of Neumann, as given above, that the principate of Augustus was already in process of development, conscious or unconscious, towards monarchy.

Then comes the question, How far is Mommsen's term 'Dyarchy' appropriate to the system of government under the first emperor? That system was, and was meant to be, capable of various interpretations, and remains so to this day. Our answer must depend upon our habit of describing constitutions. Is the present government of England a limited Monarchy, or a Democracy, or a Triarchy of King, Lords and Commons? If, therefore, we are to describe the government of Augustus according to the letter, our answer must be that if it was a Dyarchy, it was a dual sovereignty, not of Princes and Senate, but of Senate and People as of old, for the Senate still deliberated, the People still elected and legislated. It might be argued that into this dual sovereignty a third power was entering, even formally. After Actium it was ordained 'that in their prayers for the Senate and People the priests should pray also for Caesar' (Dio, li. 19). But if we choose our term according to the spirit, then undoubtedly Monarchy is the only appropriate definition. Not only had the princeps gathered into his hand all functions of the executive, but the deliberative was *de facto* subordinate to him, being indeed to a great extent chosen by him in his three revisions. When the deliberative organ becomes an advisory council selected by one man, and when the electing body merely registers the choice of that single person, then it is monarchy, however temperately conducted. In every sense Dyarchy is an unsatisfactory term.

Much importance attaches, then, to the *lectiones* by which Augustus reorganised his Senate; and on this particular point we have a curious conflict of evidence. Augustus himself says, 'I revised the Senate thrice' (*Mon. Anc.* 8) without indication of dates or the powers upon which he relied for the purpose. Suetonius says (c. 35) he restored the overgrown Senate 'to its original numbers and dignity in *two revisions*, the first by their own choice whereby they chose one another, the second by his own and Agrippa's.' In a subsequent chapter (37) Suetonius mentions a 'board of three to revise the Senate.' But in the course of Dio's record we have apparently no fewer than five *lectiones*: (a) in B.C. 29 in which Augustus τὴν βουλὴν ἐξήτασε and invited unqualified persons to retire, and then since only 50 availed themselves of the chance he compelled 140 more to retire (Dio lii. 42). (b) In B.C. 18 τὸ βουλευτικὸν ἐξήτασε when an elaborate system of cooptation was invented, which also broke down, compelling him to complete the business by choosing additional members up to 600 (liv. 13). (c) In B.C. 13 (liv. 26) 'Hereupon there was another revision (ἐξέτασις) of the Senate.' For many people pleading poverty and other reasons refused to serve. . . . 'So he revised (ἐξήτασε) them

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all, he did not trouble about men over thirty-five, but those under this age who had the proper qualification he compelled to join the Senate.' (d) In B.C. 11 (liv. 35) Augustus made lists of all his property just like a private man καὶ τὴν βουλὴν κατελέξατο, and seeing that there was not always a full house he ordered that its decrees should be valid even when fewer than 400 were present. (e) In A.D. 3/4 when he appointed three commissioners to revise them (ἐξετασταί) (Dio lv. 13, Suet. 37).

Mommsen in this conflict of evidence throws Dio overboard altogether. Holding that a *lectio senatus* is part of a census '*re certe quamquam non iure*,' he concludes that the three *lectiones* spoken of by Augustus belong to the three years in which, according to his next words (*Mon. Anc.* 8), he held a census, i.e. 29/28, 8 B.C. and 13/14 A.D. Thus he accepts only one of Dio's five, the others he dismisses as unreal or unimportant. This view not only entails extraordinary perversity on the part of Dio, and rests upon a doubtful theory, but it implies that there were no fewer than seven *lectiones* in the course of the period, some of them extremely drastic and arousing violent opposition. This view Dr. Abele rightly contests. The *lectio* of A.D. 4 being performed by a triumvirate board might very well be omitted by Augustus. He therefore believes that the three *lectiones* mentioned by Augustus are those of 28, 18 and 11 B.C.

But the singular fact in this discussion is that Mommsen relegates to a footnote¹ and Abele altogether omits to mention the *lectio* of B.C. 13, the third of Dio's *lectiones* given above. In Shuckburgh's edition of Suetonius, *Vita Augusti* (1896), the same omission occurs on pp. 79 and 80 where the editor is following Mommsen, while in the Chronological Table prefixed to the book he includes this as the 'Third Reform of the Senate.' It is obvious that by the repair of this omission we alter the whole problem. It no longer seems possible to reconcile Dio's account with the *Monumentum* and we have to choose between Mommsen's plan of rejecting Dio's testimony wholesale, or picking out one of his *lectiones* as an error. The one to be rejected would probably be the fourth (d), because it is introduced casually (*uerbo tantum*—M.) and in connexion with a rearrangement of the rules about a quorum. Moreover, an examination of Dio's text shews that whereas in all the other four cases the word employed for the act of revision is ἐξετάζειν, in the fourth case he employs a different word καταλέγεσθαι. The use of the word ἐξετάζειν four times in so short a space certainly suggests that it is Dio's technical term for a *lectio senatus*.

In the *Monumentum* the Greek for *legi* is ἐπέλεξα. It will be found on examination that Dio uses καταλέγειν and καταλέγεσθαι in four senses: (1) as the technical term for enlisting troops=κατάλογον ποιεῖσθαι, *dilectum habere*, e.g. lii. 27, liv. 25: hence (2) to enrol (a) act. καταλέγειν τινα ἐς τὴν ἰππίδα

¹ 'Quod deinde a. 741 Augustus curam egit, adolentescentes rerum apti et senatorium clauum habentes in curiam adscribi ne recusarent (54. 26) pro recensu senatus accipi non debet.' *Res Gestae*², p. 35.

καὶ ἐς τὸ βουλευτικὸν liii. 17; (β) middle—in the account of the *lectio* of 18 B.C. τοὺς ἑξακοσίους καταλέξατο, i.e. he brought in or enrolled them, then as there was further discontent at his selection ἐξετασμὸν αὐθις ἐποιήσατο καὶ τινὰς ἀπαλλάξας ἄλλους ἀντικατέλεξεν = *sublegit*, Dio, liv. 14, so also προσκαταλέγειν = *sublegere*, liv. 26. (3) to make a list (in the general sense), e.g. lix. 9. 'But as the census of the knights revealed a deficiency τοὺς πρώτους ἐξ ἀπάσης καὶ τῆς ἑξω ἀρχῆς . . . καταλέξατο, and to some of them he granted the right to wear the senatorial dress even before they held any senatorial office.' (4) To recount, enumerate, give a catalogue of—(active) liii. 6, 12, *et passim*.

It is clear that the word καταλέγεσθαι is not the word used by Dio for a formal scrutiny or *lectio*, accepting some and rejecting others, nor would the word naturally bear the sense of ἐξετάζειν. It is clear also that καταλέγεσθαι τὸ βουλευτικὸν must have a different meaning from καταλέγεσθαι τοὺς ἑξακοσίους (*sc. εἰς τὴν βουλὴν*). I infer therefore that καταλέγεσθαι τὴν βουλὴν means perhaps to call the roll of the Senate, *recitare senatum*. The sentence now runs quite naturally 'senatum recitandum curavit et cum uideret iustum numerum non semper adesse, decreta etiam inter pauciores fieri iussit.' Even if this explanation be unconvincing the use of a word in this passage, distinct from the technical term for a *lectio* used in the four other passages, coupled with the fact that this passage is in other respects suspicious, should lead to the rejection of (d) rather than (c), and the conclusion that the three *lectiones* took place in 28, 18 and 13 B.C. It may be significant that these intervals of five or ten years precisely correspond with the renewal of his *imperium*. We thus get a scheme of lustra by which it appears that on each occasion there was either a *census* or a *lectio* or both:

B.C. 29/28 *imperium in X annos, lustrum, lectio senatus*.

B.C. 18 *imperium in V annos, lectio senatus*.

B.C. 13 *imperium in V annos, lectio senatus*.

B.C. 8 *imperium in X annos, lustrum*.

A.D. 3/4 *imperium in X annos, lectio senatus per III uiratum*.

A.D. 13/14 *imperium in X annos, lustrum*.

The year 11, it will be observed, lies outside this scheme.

While it is thus possible to reconcile the account of Dio with that of the *Monumentum*, it is not possible to accept the version of Suetonius. The beginning of his narrative suggests that he is speaking of the first *lectio* which reduced the number of the Senate from over a thousand to eight hundred. This, he says, was done in 'two *lectiones*, in the first of which a system of cooptation was employed, the second was performed by himself and Agrippa,' precisely reversing Dio's account of the first two *lectiones*. He goes on to repeat this reversal in the next sentence, referring here to the contemporary authority of Cremutius Cordus. It is evidently a simple mistake due to the system on which Suetonius compiled his biographies. He refers to a number of authorities, the *Monumentum* among them, flying from one to another in

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his task of rearranging his facts '*non per tempora sed per species*.' Confusion of date and order are likely to arise in a work of this kind.

Next when we proceed to enquire by what right the princes carried out these revisions, we are met with another conflict of evidence. Dio says of the first that he did it as censor, *τιμητευσὺς σὺν τῷ Ἀγρίππῃ*, lii. 42, which is of course a sheer blunder; for Augustus, as Dio elsewhere admits and Suetonius asserts, was never censor. Abele argues that all these *lectiones* were performed *ensoria potestate* and it is true that Augustus might hold *ensoria potestas* without being censor, as he held *tribunicia potestas* without being tribune. Dio's statement to this effect is explicit enough (liv. 10, *τὴν ἐξουσίαν τὴν τῶν τιμητῶν*). In this case he is supported as to the lustrum of 29/28 by an inscr. from the 'Fasti Venusini,' *C.I.L.* ix. 422, 'Imp. Caesar VI. M. Agrippa II. (cos); idem *ensoria potest(ate) lustrum fecer(unt)*.' Neither Suetonius nor Augustus himself gives any direct indication of the powers by which *lectiones* were performed. But in the case of the census which is even more particularly the work of the censorship, Suetonius says (c. 27), 'Recepti et morum legumque regimen aequē perpetuum, quo iure quamquam sine censurae honore censum tamen populi ter egit: primum ac tertium cum collega, medium solus.' To which the *Mon. Anc.* (c. 6) supplies a direct negative. He never accepted this *cura morum legumque*, though it was offered three times. Suetonius says that it was *perpetuum*, Dio that it was for five years. The *Mon. Anc.* seems to state clearly enough (c. 8) its author's view of the powers by which he performed the census. The first was done 'in consulatu sexto,' the second and third 'consulari cum imperio,' conferred apparently for this purpose. In this singular conflict we should have no hesitation in rejecting the evidence of Dio and Suetonius where they are directly controverted by the words of Augustus. Again and again both these writers attribute to Augustus powers which he had, as he says, refused, and the explanation is simple. The decrees of the Senate were on record, the Emperor's refusal of them was not. Hence, it is only the first census which causes perplexity, for here Dio is supported by the inscription quoted above in saying that *ensoria potestas* was granted or assumed for this purpose. Moreover, the phrase of the *Monumentum*, 'in consulatu sexto,' is not a direct denial of *ensoria potestas* and may be only an indication of date.

Any satisfactory solution must explain not only the truth of what happened, but how our authorities came to make their mistakes and contradictions. It is not sufficient merely to reject the testimony of Dio and Suetonius. Such an explanation seems to lie in the fact that all these extraordinary functions were the subject of special *leges*. Now such a *lex* would not contain the words '*censoriam potestatem habeto*,' but would define the tasks to be accomplished. With the task of *lectio* or *census* there would be bound up other censorial functions relating to *mores legesque*. Thus, in saying that he rejected the *cura morum* (c. 6) he adds, 'but what the Senate then desired me to arrange I accomplished by virtue of the tribunician power.' So here, while rejecting the

censoria potestas, he does what is required by the consular power. The law might be quoted briefly by historians as conferring the *cura morum* or the *censoria potestas*, and, as the duties assigned were after all undoubtedly performed, the historians would have no reason to question, unless they were very punctilious, that Augustus had accepted the office as well as the duties. That a *lex* was passed on such occasions is proved by Suet. *Tib.* 21, 'lege per consules lata ut (Tiberius) provincias cum Augusto communiter administraret simulque censum ageret.' It is, then, a quibble when Augustus denies that he received *cura morum* and when he denies, as he appears to do, that he received *censoria potestas*. But it is significant that Augustus thinks it necessary even to strain the language in denying that he accepted certain offices. Antiquarian researches, devoted to the object of discovering the powers which resided in the old magistracies, had convinced him that censorial activities once belonged to the consulship, and since he desired to hold as few offices as possible, he held his *lectiones* and his censuses as consul or proconsul with consular power.

As to the *imperium* by which Augustus held his provinces, the elaborate discussions among modern historians about the proper description of it lose their importance when we reflect that it also was certainly defined by a law, or rather a series of laws. Dio himself has no technicality to describe it, but calls it variously ἀρχή, προστασία, ἡγεμονία. We know that such a law existed from citations of it in the *Lex de imperio Vespasiani* (C.I.L. vi. 930). For example, it granted the right *foedus cum quibus uolet facere*, which the Manilian law had granted to Pompeius under the Republic. We might indeed argue from republican practice that for a special *imperium* a law was necessary. Though its contents were undoubtedly enlarged as time went on (we know the sixth privilege of the *Lex de imp. Vesp.*, which grants dispensation from certain laws, to have been granted to Augustus in 24 B.C.), yet the basis of it was settled in 27. I believe we can even lay our fingers upon the place where the record of this law has dropped out of Dio's history. The opening words of c. 12, Bk. liii. are these: τὴν μὲν οὖν ἡγεμονίαν τοῦτον τῷ τρόπῳ καὶ παρὰ τῆς γερονσίας τοῦ τε δήμου ἐβεβαίωσατο, meaning 'I have thus narrated how he got his *imperium* established by the senate and the people,' that is by a regular *lex*. But he has done nothing of the sort, he has not mentioned the people. Chapters 3 to 10 are filled by a speech of Augustus, obviously a free composition by Dio. Chapter 11 describes in a Thucydidean manner the varied feelings of the senate, concluding with the remark that the senate voted double pay to his bodyguard—a strange answer to a speech of resignation!—and the words: οὕτως ὡς ἀληθῶς καταθέσθαι τὴν μοναρχίαν ἐπεθύμησε. As often happens, the introduction of a speech has disturbed the original narrative, and on a close inspection the sutures are visible.

Even the *tribunicia potestas* was not conferred in a lump by any such formula as 'tribunicium potestatem habeto,' but by a series of laws, as Abele shews—personal sacrosanctity and the right to sit on the Tribunes' Bench in

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36 B.C.,¹ Dio xlix. 15, *Ius auxilii* in 30 B.C. (Dio li. 19), and the rest in 23 B.C. when it first begins to be reckoned as complete. The *iuratio* mentioned separately in this latter year (liii. 32) is merely a part of the remaining tribunician functions.

On the general question of the policy of Augustus it is undoubtedly true that he was steering his way between the unsuccessful examples of Sulla, who retired, and Julius, who was careless to disguise his supremacy. But that the Senate was still too powerful to be thrust aside, it is difficult to believe, as we watch their cringing subservience to their new master. The proscriptions had almost destroyed the race of Brutus. There remained another motive for admitting the Senate to partnership, a motive so simple and practical that it almost eludes the notice of the constitutional historian. Until a new machinery could be created, until a competent civil service could be organised, the mere burden of administration was more than one man could bear. Almost throughout his life Augustus was travelling, fighting or superintending military operations. Who was to receive such deputations as came in 26 B.C. from Tralles and Cos, Laodicea and Thyatira, to say that their towns had suffered from earthquake and appeal for assistance? By degrees a civil service is organised and a bureau competent to deal with the despatches even of a meticulous governor like the younger Pliny. Then, as there is less need of the Senate, its importance steadily decreases. This is the explanation of the paradox that the more Augustus seems to retire from public offices the more business is absorbed into the imperial chancellery. We have the authority of Suetonius for asserting that the burden of empire was a motive for Caesar's resignation of the consulship in 23 B.C.—*taedio diuturnae ualitudinis*.

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¹ Mr. Stuart Jones in his recent work on *The Roman Empire* (Story of the Nations, 1908) asserts, p. 3, that Augustus received in 36 B.C. the whole

tribunician power including *intercessio*. This does not correspond with the evidence.

AD APVLEIVM.

METAMORPHOSES.

iii. 2 (p. 52, 22 *Helm*): 'magistratibus eorumque ministris et turbae miscellaneae <frequentia> cuncta completa —.'

Praeter necessitatem 'frequentia' inseruisse uidetur editor; de cāsum diuersitate cf. iii. 21, p. 91, 6 'onere uecturae simul et asperae uiae toti fatigati', ubi 'asperitate' secundum Vulcanium scripsit Helm ('Aspera uia' i. 20, p. 19, 1; de 'fatigatus' c. gen. uide Oudend. p. 284-5).

iii. 2 (p. 53, 5): 'nam inter tot milia populi circumfundentis nemo prorsum, qui non risu dirumperetur, aderat.'

'circūfidentif' Fφ: an 'CIRCŪSEPIENTIS'? ii. 13, p. 35, 20 'frequentis populi circulo conceptus.'

iii. 18 (p. 65, 21): 'mucrone dstricto in insani modum Aiakis <saeuis> armatus, non ut ille uiuis pecoribus infestus tota laniauuit armenta, sed longe fortius, qui tres inflatos caprinos utres exanimasti —.'

'saeuis' addidit Leo, quo reiecto malim 'sed longe fortius qui<dem>' (= qnid), cf. ii. 25, p. 45, 17 'formido cumulator quidem'. In cod. Dorviliano, teste v.d. Vliet, scriptum est qā, i.e. quiquem.

iii. 20 (p. 67, 13): 'omnibus abiectis amiculis ac tandem denique intecti atque nudati bacchamur in Venerem.'

'acten'; i.e. 'hactenus' Fφ: ubi nec ceterae uirorum doctorum coniecturae ueritatis speciem praebent et id quod proposuit Petschenig 'ac taeniis' diu explosum est, cum nec Lucius taenias gesserit nec Fotis nisi unam (τὸ στρόφιον)—nam ut effeminatorum delicias cogitemus (Mus. Ruf. xix. p. 106, 16 Hense: οὔτε ἐσθῆσι πολλαῖς κατασκέπειν τὸ σῶμα οὔτε ταινίαις κατελεῖν) nihil est quod cogat—in ipso uocabulo aliquem significatum non satis nobis cognitum suspicari licebit; nam et alius extat locus ubi 'hactenus' adiungitur adiectiuo cui inest uis priuatiua: vi. 18, p. 141, 22, turris ad inferos pergenti Psychae suadet 'sed non <h>actenus uacua debebis per illas tenebras incedere', ubi qui uertunt 'bis dahin'¹ falluntur cum nec rediens illa uacua esse debeat (p. 143, 5); nec magis accommodate interpretatur Rönsch, *Italia u. Vulgata*,

¹ Fr. Norden, *Amor und Psyche*, Leipz. u. Berl. 1903.

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p. 341, 'hactenus mit einer Negation = non amplius'; subinepte enim 'non iam uacua per illas tenebras incedere' iubetur puella, quae nondum illic incesserit. Si liceret interpretari 'plane, prorsus', omnia quidem recte haberent, sed huius usus exempla mihi desunt.

iiii. 1 (p. 75, 6): 'deuius et fructetis absconditus —'

'ptectus' Fφ, quod utrum delendum an emendandum esset, dubitauit editor; cf. tamen iii. 9 'obtectam protegunt' et imprimis ix. 18 'contectus atque absconditus'.

iiii. 25 (p. 93, 22): 'cum repente lymphatico ritu somno recussa . . . longequ uehementius afflictare sese—incipit.'

Suppleo '<longe> longequ', cf. xi. 3, p. 268, 17 'longe longequ'; vii. 2, p. 115, 7 'procul ac procul'; xi. 20, p. 281, 18 'diu diuque'.

vi. 14 (p. 139, 1): 'proserpunt . . . et longa colla porrecti saeui dracones —.'

Hic si re uera lacuna est, potest intercidisse 'immensi' (Flor. vi. p. 151, 3 Vl. 'immensi dracones'), potest et aliud quid; dubito tamen an 'et' (7) ortum sit ex 'in' (1): cf. ix. 13, p. 212, 18 'in enorme uestigium porrecti', xi. 11, p. 275, 10 'in canalem porrectum'.

vi. 27 (p. 149, 20): 'me—nauiter inscendit et sic ad cursum rursum incitat. ego—equestri celeritate quadrupedi cursu solum replaudens uirgini[s] delicatas uoculas ad<h>innire temptabam.'

Apulei stilus flagitare uidetur '<at> ego —'; inde etiam est, nisi fallor, quod x. 18, p. 250, 27 'domuitionem parat. spretis —' '<at> Luetjohann, <sed> Helm restituebant.

vi. 32 (p. 153, 18. Postquam c. 31 quattuor puellae fugitiuae poenas proposuerunt latrones, quam alii uiuam cremari (1), alii bestiis obici (2) debere censebant, alii patibulo suffigi (3), alii tormentis excarnificari (4), tandem aliquis id genus uindictae inuenit quod omnia illa superaret simul et complecteretur: asini cadaueri uiua insueretur!):

'sic enim cuncta, quae recte statuistis, ambo sustinebunt, et mortem asinus, quam pridem meruit, et illa morsus ferarum, cum uermes membra laniabunt (= 2), et ignis flagrantiam, cum sol nim<i>is caloribus inflammabit uterum (= 1), et patibuli cruciatum, cum canes et uultures intima protrahent uiscera (= 3), sed et ceteras eius aerumnas et tormenta (= 4) numerate; mortuae bestiae ipsa uiuens uentrem habitabit, tum faetore nimio nares <cruciente> aestu et inediae diutinae letali fame tabescet nec suis saltem liberis manibus mortem sibi fabricare poterit.'

'aestuēt' quod pro futuro ceperat v.d. Vliet (in indice p. 284), diuisit Luetjohann, <cruciente> addidit, recte quidem copulam quae abesse uix potest
NO. VIII. VOL. II.

restituens, hoc uero minime nobis approbans; nam dum confert quae in Λουκίῳ, c. 25 leguntur 'σκοπεῖτε δὲ, ὦ φίλοι, τῆς βασιάνου τὸ δεινόν, πρῶτον μὲν τὸ νεκρῷ ὄντι συνοικεῖν, εἶτα τὸ θέρους ὥρα θερμοτάτῳ ἡλίῳ ἐν κτήνι καθέλεισθαι καὶ λιμῷ αἰεὶ κτείνοντι ἀποθνήσκειν καὶ μὴδ' ἐαυτὴν ἀποπνίξαι ἔχειν. τὰ μὲν γὰρ ἅλλ' ὅσα πείσεται σηπομένου τοῦ ὄνου τῇ τε ὁδῷ καὶ τοῖς σκώλῃσι πεφυρμένη ἐὼ λέγει, dumque graeca illa 'θέρους ὥρα θερμοτάτῳ ἡλίῳ' per 'aestu' reddita esse sibi persuadet, praeterquam quod duo¹ tormentorum genera θερμοτάτων ἡλίου et σηπομένου ὁδὸν in unum conflat ('faetore nimio nares cruciante aestu'), oblitus est per 'ceteras aerumnas et tormenta' ad supplicia prorsus noua pergi, 'aestus' autem quem uoluit dolorem iam inesse in illo poenae genere quod numero I signauimus; illic 'ignis flagrantiam, cum sol nimis caloribus inflammavit uterum' esse quod in graeca fabella per 'θέρους ὥρα θερμοτάτῳ ἡλίῳ' indicatur. Itaque, seruato 'et', cetera complenda esse uidentur ut in Ouden-dorpiana editione leguntur 'nares aestu~~abit~~' et —.

vii. 2 (p. 155, 6): 'nam et praesidium fugae, quo uelocius frustratis insecutoribus procul ac procul abderet sese, eidem facile suppeditasse; equum namque illum suum candidum uectorem futurum duxisse secum.'

Lucius, cum Milonis hospitium accederet, eo consilio equum duxisse secum arguitur ut haberet quo uelocius se inde proriperet. Itaque 'suum', quod quo nunc legitur loco rebus non congruit, cum non sit uerisimile, qui nunc in pecunia furtum arguant, eosdem in equo legitimam possessionem statuere, transpono port 'uctorem'; cf. iii. 26, p. 71, 15 'equum illum uectorem meum'; *ibidem* 22 'ille uector meus'; vi. 26, p. 149, 1 'quis enim uiantium uectorem suum (=quo uehatur) non libenter auferat secum'; vii. 3, p. 156, 16 'cum meo famulo meoque uectore illo equo'. In F 'futurū' refectum esse monet editor.

vii. 4 (p. 157, 9): 'nec paucos humili seruilique uitae renuntiantes ad instar tyrannicae potestatis sectam suam conferre malle.'

Frustra, puto, in his emendandis laborant uiri docti: non enim hic 'ad instar' interpretandum est 'ad modum', sed 'instar'¹ proprie substantiuum est (Verg. *Aen.* vi. 866) quod pendet a uerbo 'conferre ad', designatque amplitudinem dignitatemque dum opponitur 'humili seruilique uitae'; cf. Gell. *N.A.* xx. 1. 39 'populus Romanus e parua origine ad tantae amplitudinis instar emicuit.' Contra 'instar' (pendens a uerbo 'deducere ad'), dum bonae rei opponitur, pro contemptae rei imagine est i. 25, p. 23, 9 'flore[m] Thessalicae regionis instar solitudinis et scopuli—deducitis'; formam solam indicat *Flor.* xii. p. 161, 9 VI. 'instar illi (psittaco) minimo minus quam columbarum.'

vii. 9 (p. 160, 18): 'ueste~~m~~que lautiusculam proferunt, sumeret abiecto centunculo diuite.'

¹Cf. Wolffin, *Archiv. f. Lat. Lex.* ii. pp. 584, 586, 596.

Interpungo 'proferunt sumeret', cf. praeter locos ubi 'ut' omittitur post 'placere, orare, praecipere, pati' quaeque uerba hunc usum admittere solent ii. 16, p. 37, 21 'adripit poculum ac — porrigit bibam.' 'Diues' centunculus dictus non propter aureos quibus iam caret (p. 160, 11), neque ironice potius quam iocose ob colorum uarietatem, uide supra c. 5, p. 157, 26 'centunculis disparibus.'

viii. 1 (p. 176, 21): '— fuit Charite nobis, quæ misella et quidem casu grauissimo — Manes adiuit.'

'nobis qui' (per compendium) Fφ: corruptelae originem esse suspicor in sequenti 'quidem,' scribo itaque 'fuit Charite nobis [qui] misella —.'

viii. 5 (p. 180, 1): '(aper) retorquet impetum et incendio feritatis ardescens dente compulso, quem primum insiliat, cunctabunda rimatur.'

Oudendorp, quamquam de loci integritate dubius, 'dentem compellere' interpretatur 'frendere dentibus', Pricaeum reprehendens qui ad notissimam illam exasperationem dentium (cf. p. 179, 9) hoc referebat: utrum utri praeferas, uix deliberes, cum utrumque aequè respuat latinitas. Sed aut ego fallor aut uerum inest in nota marginali 'dentē ēpulsū' scriptisque Apuleius 'dente[m] compulsum (*supinum*) quem primum insiliat, cunctabunda rimatur'; nam notae illae a prima manu in margine cod. F adscriptae, quas diligenter ponderandas nec temere spernendas primus monuit Weyman, etiam alibi ad emendationem nonnihil attulerunt: vi. 9, p. 134, 11 'furenter irati'; ix. 10, p. 210, 4 'caliculum', neque equidem dubitem etiam vii. 27, p. 175, 21 scribere 'deserto derelictoque' (pro 'defectoquo'), hoc enim uult anus: 'aut seruare magistrum tuum debuisti dorso receptum, aut manere et eandem cum illo sortem sustinere', neque spernendum est viii. 26, p. 198, 2 'ceraula' pro 'choraula'; comparetur etiam vi. 30, p. 152, 2 'praesidium perhibebimus' (nam sine dubio recte notam interpretatur editor) pro 'praestabimus' cum ix. 26, p. 223, 5 'auxilium meo perhibere domino.'

viii. 10 (p. 185, 13): 'Promissioni fallaciosae mulieris oppressus succubuit Thrasyllus.'

An forte 'Promissione'? Cf. iii. 9, p. 58, 26 'euictus tandem necessitate succumbo', v. 6, p. 108, 4 'ui ac potestate Venerii susurrus inuitus succubuit'

viii. 17 (p. 191, 1): '— fletu cum clamore sublato maritum suum pastorem illum suppetiatum ciet.'

Quis pastor ille, cum omnes hi serui fugitiui pastores fuerint (viii. 1, p. 176, 21; 23, p. 194, 29)? Nempe is cuius tutelae mandatus fuerat asinus (vii. 15, p. 165, 8; 16, p. 166, 6); necessarium itaque uidetur 'pastorem illum (*meum*)'.

ix. 32 (p. 227, 7): '— et adsiduis pluuiis nocturnisque rorationibus sub dio et intecto conclusus stabulo continuo discruciabar frigore.'

'sub dio' non ad subiectum refertur—scripsisset enim Apuleius 'sub dio constitutus'—sed stabulo attribuitur; scribo itaque 'subdio'. Cf. *Corp. gloss. latt.* ii. p. 190 'Subdium $\nu\pi\epsilon\theta\rho\nu$ ', p. 463 ' $\Upsilon\pi\alpha\theta\rho\varsigma$ subdium'. Conferatur etiam *M.* v. 6, p. 107, 12 'perdia'; ix. 5, p. 206, 16 'pernox'.

ix. 39 (p. 232, 26): 'dep[r]ensis pro prandio lacrimis uacuasque manus complodens.'

'depensis' e Vulcanii coniectura dedit Helm, adnotauitque 'scilicet pranderat hortulanus'. Quod si maxime uerum esset—ex nullo enim eorum quos attulit locos id probatur, ne ex uerbis quidem quae p. 228, 20 leguntur 'sub ipsa mensa, quae reliquias prandii gerebat', cum et nondum finiti, praesertim opiparis (p. 228, 4) prandii reliquiae sint, sepositae scilicet ne incommodent; quin potius e uerbis quibus gallinam allocutus est hospes (p. 228, 10) 'nunc etiam cogitas gustulum nobis praeparare' in media re esse homines apparet—tamen Apuleio negligentiam condonandam esse putarem: sed re uera et interrupti prandii dolore permotus et munerum (p. 227, 25) spe deiectus *suos casus* (p. 232, 25) ingemescit *uacuasque* (26) complodit manus. Sed quo minus de integritate paronomasiae '*deprensus* pro *prandio*' dubites, simul ut appareat quo ineptiarum interdum deduci possit id quod uenustatis gratia inuentum est, en locos quos mihi notauit—nondum enim, quod sciam, omnes congesti sunt—adscribo: p. 18, 1 'latices—lacteo'; p. 25, 9 'cupidinis meae—forum cupidinis'; p. 29, 1 'maga—magistra'; p. 45, 13 'desolatus ad cadaueris solacium' (cf. p. 106, 7 'solitudinis erat solacium'); p. 48, 19 'propheta sic propitiatus'; p. 73, 11 'sero quidem, serio tamen' (cf. *Flor.* p. 178, 15 Vliet 'serum—serium,' *Met.* p. 107, 15 'seria—sero'); p. 105, 15 'pareret—pateret'; p. 115, 7 'mellita—mollita'; p. 128, 18 'amores amarè coherceas'; p. 135, 20 'certa—miserta'; p. 135, 22 'conuocat—conrogatque'¹; p. 138, 2 'secundi (= alterius)—secundum (= prosperum)'; p. 149, 22 'ad cursum rursus'; p. 164, 7 'uino—uinculis'; p. 181, 12 'inuita remansit in uita(!)'; p. 190, 20 'memorandum—miserandum'; p. 200, 1 'fatigati—satiati'; p. 207, 25 'inclinatam dolio—dedolabat'; p. 238, 28 'quod nemo nouit, paene non fit'; p. 248, 10 'decor—dedecus'; p. 255, 4 'natam necatamque'; p. 261, 6 'de manibus—manante'; p. 284, 32 'neque ullum animal essem et inuini essem(!)'; dubitari potest an etiam 'sepiculae—saepiculae' (p. 192, 18 et 21) luserit noster; *Apol.* p. 65, 12 'pinnae de penatibus'; p. 70, 23 'toto oppido et quidem oppido (= ualde)'; p. 76, 2 'omne uirus totis uiribus'; p. 113, 3 'ueneficium—beneficium'; *Flor.* p. 151, 18 (Vliet) 'arum colere uel aurum colare'; p. 155, 11 'cum torno et coturno'; p. 160, 16 'pernix—perniciosa'; p. 170, 2 'coetum—coeptum'.

ix. 39 (p. 233, 17): 'nam et hic ipse iners asellus et nihilo minus <ferox> morboque detestabili caducus uix etiam paucos holerum maniculos de

¹ Fr. Norden pro 'corrogatque', qui uir doctus plura huiusmodi in *Amoris et Psyches* editione sua restituit.

proximo
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uoluisse
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p. 313),
p. 169,
p. 228,
et ipse
φ sequa
'nec mi

x.
matribus
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tamen i
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puellam
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¹ Ad hun
viii. II D

proximo hortulo solet anhelitu languido fatigatus subuehere, nedum ut rebus amplioribus idoneus uideatur gerulus.¹

Collato viii. 23, p. 195, 16 'in hebeti pigritia ferocem' <ferox> Luetjohann, alia alii similia suppleuerunt; at ferocitas illic quidem emptorum insolenti curiositate (p. 195, 8) excitata erat, non autem fuit naturale transformati Lucii uitium, ut qui bono hortulano sane probum beneque moratum asinum se praebere nunquam desiisset; si quis uero mendacio militi imponere uoluisset perhibeat hortulanum, profecto imbecillitas et inertia, non ferocia, grauiori oneri imparem facit. Sententiam quidem, quamquam non dubito quin insciens fecerit, restituit codicis ϕ exarator vel emendator, 'que' post 'morbo' delens; 'nihilominus' enim non 'fürwahr' significat (Koziol, *Stil des Ap.* p. 133), sed 'praeterea, insuper',¹ cf. xi. 21, p. 282, 13 'nec minus'; *Flor.* xvi. p. 169, 15 Vliet 'nec eo minus'; *M.* vi. 18, p. 142, 13 'nec setius'; ix. 34, p. 228, 18 'nec eo setius'; Petron. 67 'sex pondo et selibram debet habere, et ipse nihilo minus habeo decem pondo armillam'. Sed ut F potius quam ϕ sequamur, legerim 'et nihilominus morbo <quo>que —', cf. xi. 28, p. 290, 2 'nec minus etiam'.

x. 23 (p. 255, 1): 'at illa, per absentiam mariti nata[m] puella[m], insita matribus pietate praeuenta desciiuit ab obsequio mariti eamque prodidit uicinis alumnandam, regressoque iam marito natam necatamque nuntiauit.'

Traditam lectionem 'natam puellam', qua mire disturbantur omnia, non magis quam qui ante eum extiterunt editores, retinere ausus est Helm. At quamquam et hic et illi, licet uarie, extricauerunt quae intricatissima erant, tamen ipsum Apuleium reuera sic intricare uoluisset, ut non per participium 'natam puellam, *desciscens* ab obsequio mariti, prodidit' continuaret ordinem, sed interiecto enuntiato 'desciiuit —' sustineret, rursusque obiecto ('natam puellam') per 'eam' repetito instauraret, persuasum habere coepi postquam consimilem prorsus structuram eum amplexum esse comperi in *Apol.* 60 (p. 68, 23 Helm): 'testimonio Crassi, cuius oboluisse faecem uidebant, nec ipsi ausi sunt perlegere nec quicquam eo niti'.

x. 27 (p. 258, 8): 'Nec ille tamen iuuenis diutius uitam tenuerat, sed inter fictas mentitasque lacrimas uxoris pari casu mortis fuerat extinctus.'

Nolo quidem audacius, non possum tamen diffiteri admodum mihi placere 'inter fictas <lamentationes> mentitasque lacrimas', nam et scaenam auget et auctoris stilo congruit; cf. iii. 33, p. 101, 7 'maeretur fletur lamentatur'; viii. 13, p. 187, 13 'fletus uberes et lamentationes uarias'; viii. 31, p. 202, 4 'lamentatus lacrimis inefficacibus'; x. 25, p. 256, 16 'uariis lamentationibus defletam puellam'; xi. 5, p. 270, 3 'mitte iam fletus et lamentationes omitte', neque adlitterationis quam uocant sedulo sectatore indignum est.

¹ Ad hunc significatum transitio est in Cic. *ad Att.* viii. II D (ad Cn. Magnum, ii. § 4) p. 365 Boot: 'neque eos solos—sed eos nihilominus', ubi 'nihilominus' = 'as well'.

x. 30, p. 261, 16: 'malum—inauratum dextra gerens <ei>, qui Paris uidebatur, porrigit.'

De pronomine, quod addidit editor, omisso, cf. *Apol.* 16, p. 19, 24 'hoc mihi aduersum te usu uenit, quod qui forte constitit in loco lumine conlustrato'; 102, p. 113, 13 'eminiscimini quod respondeatis, qui uos ita rogarit.'

xi. 12, p. 275, 15: 'Et ecce praesentissimi numinis promissa nobis accedunt beneficia et fata salutemque ipsam meam gerens sacerdos adpropinquat, ad ipsum praescriptum diuinae promissionis ornatum dextra proferens¹ sistrum deae, mihi coronam —.'

'ornatum sistrum' est (6, p. 270, 13) sistrum cui corona rosea cohaeret; at non coronatum sistrum deae erat destinatum—'deae' enim casum esse datium cogit oppositum 'mihi'—sed sistrum tantummodo, corona autem Lucio; itaque ne omnis interpretatio cesset, supplendum est '— ornatum dextra proferens sistrum, <sistrum> deae, mihi coronam —'.

APOLOGIA.

2 et 3 (p. 3, 5 *Helm*): Aemilianus apud Lollium Praefectum Vrbis tanta pertinacia perhibuerat auunculi sui testamentum falsum esse, 'ut, cum Lollius Vrbicus V.C. uerum uideri et ratum esse debere de consilio consularium uirorum pronuntiasset, contra clarissimam uocem iurauerit uecordissimus iste, tamen illud testamentum fictum esse, adeo ut aegre Lollius Vrbicus ab eius pernicie temperarit. (3) quam quidem uocem et tua aequitate et mea innocentia fretus spero in hoc quoque iudicio erupturam, quippe qui sciens innocentem criminatur eo sane facilius, quod iam ut dixi, mentiens apud praefectum urbi in amplissima causa conuictus est. namque peccatum semel ut bonus quisque postea sollicitus cauet, ita qui ingenio malo est confidentius integrat ac iam de cetero quo saepius, eo apertius delinquit.'

Oudendorp, quem secutus est Helm, 'clarissimam uocem,' 'clarissimi iudicis uocem' interpretans, Casauboni emendationem 'clarissima uoce' reiecit: iniuria, opinor, cum Lollii uocem in iudicio ubi Maximus praesidet expectare non possit Apuleius, nedum ut in hoc iudicio, quod est de magia, uocem expectet de aliquo testamento pronuntiantem. At, inquiet, clarissima uox in *uniuersum* iudicis uocem significat. Audio: sed quare illam 'erupturam' sperat Apuleius? an et Lollii 'erupit' cum pro sententia pronuntiaret 'testamentum uerum uideri et ratum esse debere'? Quae enim indignatio his uerbis inest? Nam sententiam quidem iudicis quin auditurus sit reus, non est quod dubitet. Sin Casauboni emendationem amplectimur, non tantum uerbum 'erumpere', ut accusatoris insolentiam designans, aptissime positum est, quam aequitate iudicis et sua innocentia fretus non curat reus neque timet, sed et adiectiuum 'claris-

¹ i.e. 'proferens', cf. 10, p. 274, 1 'potentissimorum deum proferebant insignis exuias.'

sima', *qua ipsa insolentia notatur*—quod exemplis demonstrare supersedit emendationis auctor—proprio quodam et quaesito nitet colore; cf. Sen. *Dial.* v. (= de ira III), c. 24 'serui mei clarius responsum et contumaciorem uoltum'; *Apocol.* II. 'si honeste me inter uos gessi, si nulli clarius respondi'.¹

9 (p. 10, 6): 'an ideo magus, quia poeta? quis unquam fando audiuit tam <ueri> similem suspicionem, tam aptam coniecturam, tam proximum argumentum?'

<ueri>, quod addidit Krueger, non tantum disturbat partium aequabilitatem, si separatim scribitur, sin minus, adliterationem, sed superuacua est: 'similis' enim significat 'ueri'(similis, rei congruens'; cf. Gell. *N.A.* xviii. 1, 12 'captio magis lepida quam probum aut simile argumentum uideri debet.' [Epictet. ii. 20, 29 'φαντασία ἐλαίου ὁμοιοτάτη'; i. 16, 15 'ὁμοίως αὐτὰ ἐπαίνεσαι, sc. τὰ τῆς προνοίας ἔργα.]

36 (p. 42, 11): 'prome tu librum e Graecis meis, quos forte hic amici habuere sedulique, naturalium quaestionum, atque eum maxime, in quo plura de piscium genere tractata sunt.'

Recte Oudendorp adnotasse uidetur 'Prome ex libris meis librum aliquem, quemcunque uoles, modo *naturales quaestiones* contineat', neque equidem dubito quin sic etiam scribendum sit: 'sed aliquem naturalium quaestionum' ('seduli' ortum esse puto ex antecedenti 'sedulo'); optime enim 'aliquem' cum ridicula Apulei nostri uanitate congruit, tam doctrina sua librorumque conscriptorum copia gloriantis quam amicorum suique studiosorum admiratione, ne in iudicio quidem—ita enim 'hic' interpretor—uel aegre certe lectionem intermittentium, cf. 55, i. f. p. 63, 4 sqq., praesertim haec: 'ecce etiam liber offertur.' Nam uerba 'quos—habuere' sic intellego: amicos, dum iudices irent sessum agique inciperetur, quo taedium expectandi fallerent, in lectione fuisse occupatos: et quid lectu suauius quam immortalis ille Musarum alumni thesaurus. Primam indicationem 'librum e Graecis meis' corrigendo contrahit: 'sed aliquem', hanc rursus ita: 'atque eum maxime.'

55 (p. 63, 4): 'ea disputatio celebratissima est, uulgo legitur, in omnibus manibus uersatur, non tam facundia mea quam mentione Aesculapii religiosis Oeensibus commendata. dicite aliquis, si qui forte meminit, huius loci principium.—audisne, Maxime, multos suggerentis? ecce etiam liber offertur.'

Quo clarius enitescat illa quam modo denotauius Apulei uanitas—scilicet quod a multis audiet ('audisne *multos* suggerentis?'), ut modestiorem decet uix se ab uno aliquo auditurum confidit!—scribo: 'dicite aliquis', secundam personam imperatiui restituens, quae legitur etiam 56 (p. 64, 16): 'si qui forte adest eorundem sollemnium mihi particeps, signum dato, et audias licet quae ego adseruem.'

¹ Hos locos respiciant si qui adhuc de Apoc. locyntoseos auctore dubitent.

FLORIDA.

ii. (p. 146, 20, v.d. Vliet) locus corruptus in mss. sic legitur: 'cum igitur eo sese aquila extulit, nutu clementi laeuorsum uel dextrorsum tanta mole corporis labitur, uelificatas alas quo libuit aduertens modico caudae gubernaculo; inde cuncta despiciens ibidem, pinnarum eminus indefessa remigia ac paulisper cunctabundo uolatu paene eodem loco pendula circumtuetur et quaerit, quorsus potissimum in praedam superne sese ruat fulminis uicem de caelo inprouisa, simul campis pecua simul montibus feras—cernens, eqs.'

In interpungendo secutus sum Aemilium Thomas,¹ nisi quod distinctionem, quam ille ante 'ibidem' transposuit, loco quo legebatur non remoui, 'cuncta ibidem' interpretans 'cuncta simul', cf. *Apol.* 80 (p. 88, 25 H): 'nam ut absurde facit qui tacere se dicit, quod ibidem dicendo tacere sese non tacet —', Oehler ad Tertull. *de fuga in pers.* 1. Neque minus consentientem me habet, dum hanc de loco fert sententiam: 'La faute doit résider dans *eminus*, dont il faudrait tirer un participe présent coordonné à *despiciens* et ayant pour complément direct *pinnarum indefessa remigia*.' Quod autem proponit 'remittens', nescio an laboris remissio eiusdem laboris pertinaciae ('indefessa') parum conueniat ideoque 'remittens' non habeat unde aliorum coniecturis 'imminuens' 'inhibens' praefendum sit; neque etiam inuenio quomodo *remigia* inhibere, imminuere, remittere dicatur aquila, quae modo pro *uelis*, non pro *remis*, alis suis utebatur. Scripsit fortasse Apuleius: 'pinnarum eminens indefessa remigia', i.e. porrigens, cf. *Met.* 21 (p. 42, 12 H): 'duobusque infimis conclusis digitis ceteros eminens [porrigens] et infesto pollice clementer subrigens,' ubi in marg. m. rec. adscriptum est 'eminus'. Conferatur et *Met.* vi. 15 (p. 140, 3 H): 'libratisque pinnarum nutantibus molibus—remigium dextra laeuaque porrigens.'

xviii. (p. 181, 23 (v.d. Vl.): 'contentus scire quod concupierat coepit nolle quod pepigerat, eqs.'

Paronomasiam seruauit φ 'cupierat—pepigerat' exhibens. Cf. supra ad *Met.* ix. 39.

A. J. KRONENBERG.

Rotterdam.

¹ *Bull. de l'Acad. roy. de Belgique* (classe des lettres, etc.), N. 5, pp. 288-298 (1902).

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MANILIUS III 608—617.

QVEMQVE locum superat nascens horoscopus, ille
dena quater reuocat uertentis tempora solis
adcumulatque duos cursus iuuenemque relinquit. 610
at qui praecedat surgentis cardinis oram¹
uicenos ternosque dabit nascentibus annos
uix degustatam rapiens sub flore iuuentam.
quod super occasus templum est, ter dena remittit
annorum spatia et decumam tribus applicat auctis. 615
inferius puerum interimet, bis sexque peracti
immatura trahent natales corpora morti.

614 *templum* Fayus, *temptatum* GLM. *ter* M, om. GL.

615 *decimam* tribus *applicat auctis* GL, *decum* ceteris omissis M.

Mr Garrod's observation (*C.Q.* ii p. 181) that in Manil. iii 590-617 the sums of years allotted to man by the 12 temples of the sky appear to be a regularly descending series, where each succeeding number is formed by subtracting from its predecessor a figure which rises steadily from 1 to 11, will help towards the elucidation of the paragraph, though not along the route which Mr Garrod himself pursues. When he proposes to write *tricenos* for *uicenos* in 612, his conjecture is refuted by the next verse. Such language as 'uix degustatam rapiens sub flore iuuentam' is not used of men who die at the age of thirty-three. Nor could this objection be avoided by placing a full stop at the end of 612 instead of 613, for the powers of punctuation are limited.

In the text of 612-615, as I have given it above, there is now not a letter to be altered. The one conjecture admitted, Du Fay's *templum* (commonly assigned to Bentley), is necessary, certain, and received into all editions. The scribe thought he saw *temptum*, and he expanded this to *temp-ta-tum*; as in Liu. xlv 28 3, *nobilitatemplum* for *nobili templo*, the scribe thought he saw *nobilite* and expanded it to *nobili-ta-te*. The omission of *ter* from GL is a metrical interpolation consequent on this corruption; and M's advantage in essential integrity over the older and more accurate copies is once again

¹ *horam* codd., as usual. *hora* has two meanings, *aduersa respondens aetheris ora*, but the true *hour* and *horoscope*, but here it can have neither. reading may be *ortum*.
oram is suggested by ii 793 'alter (cardo) ab

made manifest. The whole sequence of error has a close parallel in v 667: *tum quoque Manilius, totum quoque M, totum GL.*

The series of numbers, which begins at u. 590, is the following: horoscope 78; zenith 77 (u. 594 rightly understood by Dr Postgate *silu. Man.* p. 31); occident 75 (u. 596 rightly understood by Prof. Ellis *noct. Man.* p. 111); nadir 72 (*mensibus* in u. 598 corrected by Dr Postgate to *messibus*); superior trigon of horoscope 68; inferior trigon of horoscope 63; superior hexagon of horoscope 57; inferior hexagon of horoscope 50. Eight of the twelve are now accounted for, and we are arrived at u. 607; in 608-617, transcribed above, we expect to find the four numbers which will complete the series: 42, 33, 23, 12.

And there they are: not two or three of them only, but all four. *bis sex* is 12, *uicenos ternosque* is 23, the contents of 609 sq. are a periphrasis of 42, and the contents of 614 sq., *ter dena remittit | annorum spatia et decumam tribus applicat auctis*, are a periphrasis of 33. The words mean 'allows thrice ten circuits of years, and adds thereto a tithe in augmenting them by three': $30 + (\frac{3}{10} \times 30) = 33$. *decumam tribus* (abl.) *applicat auctis* (dat.) is the same as 'tribus ea augendo applicat eis decumam numeri tricenarii partem.' The verb and the participle describe one operation from two points of view, as in Hor. *serm.* i 2 65 sq. 'poenas dedit . . . pugnis caesus' or Liu. i 37 1 'additur dolus, missis qui . . . uim lignorum . . . in flumen conicerent.'

The phrase may justly be accused of ambiguity; for if the past participle retained its temporal force and meant 'iam ante auctis' the sum would be $33 + 3 + \frac{3}{10} \times 36 = 36$. But no less ambiguous is 592 sqq. 'octo tenor' decies ducetur in annos, | ni duo decedant. at, cum sub culmine summo | consistet, tribus hic numerus fraudabitur annis,' where 'hic numerus,' which in truth means 80, might just as well mean $80 - 2 = 78$, and has indeed been generally so interpreted. In 605 again the words 'ter uicenos geminat,' which signify 60, might also signify 120, as Du Fay, with a very absurd result, supposed; and at 596 the double sense of 'olympias' has caused much doubt whether the number meant was 75 or 76.

It surprises us that Manilius has here for once departed from the order of magnitude and has placed the eleventh member of the descending series before the tenth: 42, 23, 33, 12. But it is possible to imagine a reason why he should do this, and to discover an indication that this is what he did. Having yoked together in 599-602 the two trigons of the horoscope, and its two hexagons in 603-607, he now in 608-613 yokes together its two immediate neighbours, and in 614-617 the two immediate neighbours of the occident. If this arrangement deranges the numerical sequence, that is no great matter: symmetry gains on the one hand what it loses on the other. To rhetoric there is a gain not counterbalanced by any loss; for

¹ *octonos* codd., but the verb *ducetur* has then no subject, and *uinetur* or the like will be required.

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the years of closing and of opening youth are thus brought into juxtaposition, and *iuvenem* in 610 is answered by *iuventam* in 613. And the language of 613 and 614, even in the absence of the numerals, might suggest that a smaller sum is here preceding a greater: when *vix degustatam rapiens* is said of one temple and *remittit* of another, it is a natural inference that the latter is the more generous of the two.

A. E. HOUSMAN.

SUMMARIES OF PERIODICALS

American Journal of Philology. Vol. 29. No. 2. 1908.

On the Source of Ben Jonson's Song ('Still to be Neat'), Kirby Flower Smith. *The Ancient Religions in Universal History*, Grant Showerman. *Notes on a Few Vestal Inscriptions*, Esther Boise Van Deman. *Notes and Suggestions on Lefebvre's Comedies of Menander* (Cairo, 1907), Robinson Ellis. *Hieremias di Montagnone and Catullus*, Arthur Leslie Wheeler. 'Εἰς ἀπαλῶν ὀνύχων, Edwin W. Fay. Ὑποκριτῆς and τραγωδός in Schol. Dem. de Pace 6, Edward Capps. *A Critical Note to Col. 4. 1. 76 of the Behistan Inscription*, H. C. Tolman. Reviews: Hirzel's *Themis Dike und Verwandtes*, W. A. Heidel. Wageningen's *Album Terentianum and Scaenica Romana*, John W. Basore. Summaries of Periodicals. Brief Mention: On 'Punktuell,' as applied to the aorist, B. W. Smith's *der vorchristliche Jesus*, Schlachter's *Statistische Untersuchungen ueber den Gebrauch der Tempora u. Modi bei einzelnen griechischen Schriftstellern*, by the Editor, and C. W. E. Müller. Obituary Note on F. Buecheler, the Editor. Correspondence: *The Viking Society for Northern Research*, George T. Flom.

Neue Jahrbücher für das Klass. Altertum, etc. 19. 10. 1907.

J. Kromayer, *Hannibal and Antiochos der Grosse*. The view taken of A.'s character typical of the injustice generally done to later Hellenism. The object of his war with Rome was the recovery of the kingdom over which Seleucus had reigned, the steps he took to achieve it were none the less well considered that he eventually proved, like Hannibal himself, unequal to Rome's tactics. Th. Birt, *Schreibende Gottheiten*. The first in Gk. lit. is Pindar's πότμος (Nem. 6. 13): cp. Θῆς in Eurip. fr. 618 N (γράφει quite sound), Zeus himself fr. 508 N. Arcturus in the *Rudens* (from Diphilus?), Nemesis in Callim. Dem. 56 are recording angels: cp. Iris in the Brygos vase and the writing figure (?Nemesis) in the representation of Meleager's death, Baumeist. 991. The images in St. John's Revelation and the book of Enoch not unaffected by Hellenism. Parcae with books are Etrusco-Roman. H. Diels, *Ueber das neue Corpus medicorum*. Begun under the auspices of the Universities of Copenhagen, Leipzig and Berlin. The Greek portion will comprise 32 vols., of which 2 will fall to Hippocrates, 13 to Galen. L. Traube, *Nachruf auf Rudolf Schöll*.

21. 1. 1908.

F. Studniczka, *Adolf Furtwängler* (with two plates representing the reconstruction of the head of the Lemnian Athena). H. Lietzmann, *Die klass. Philologie und das Neue Testament*. Brief account of what has been done for the text, the vulgar Greek of the Roman-Hellenistic period (accidence and syntax), lexicography, the increased appreciation of the importance of the old Christian documents for the history of civilisation and religion. P. Perdrizet, *Die Hauptergebnisse der Ausgrabungen in Delphi*. No reason to doubt that Pausanias visited Delphi. The temple of Apollo. No signs of the famous chasm. A great quantity of specimens of old Ionic art yielded by this site, where one might expect Dorian influence to be predominant. The treasury of the Cnidians. U. v. Wilamowitz-Moellendorf: *Der Menander von Kairo*. Description of

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the contents of Lefebvre's publication. Points out that two pages at present assigned to the *Samia* really belong to the *Perikeiromene*. Gives some verse renderings of the former play and the *Epitrepontes*. R. M. Meyer, *Das Gleichnis. Anzeigen, etc.*: Raeder's *Platons philosophische Entwicklung* very unfavourably reviewed by O. Apelt; E. Samter *Die Toten im Hause*. Illustrations from Berlin and the Tyrol: Stobaeus' extract (44. 41) from a work of Nicolaus of Damascus.

21. 2. 1908.

R. Reitzenstein, *Horas und die hellenistische Lyrik*. The odes can be justly appreciated only by observing points of feeling and technique which were, in the poet's time, modern (in most cases, Hellenistic). The first stanza of 1. 24 does not disturb the unity of that poem if we realise that Horace's contemporaries regarded that poem as a specimen of the *consolatio*. So 3. 22 simply gives bucolic setting to hunter epigrams such as we meet in the Anthology; 3. 13 (*ſons Bandusiae*) is quite Alexandrine. The 'dīa quae tenes Cyprum et Memphin' means 'thou that art at once Cypris and *Isis*.' Philodemus (xi. 44) illustrates 1. 20, where H. is certainly not asking Maecenas to bring his best wine with him. In 2. 20 *biformis* means 'who has assumed a new (second) shape': H. really wishes to become a swan, is not thinking of Ennius' *uolito uiuos per ora uirum*. F. Boll, *Die Erforschung der antiken Astrologie*. Importance of the MSS. recently catalogued by F. Cumont and the recent publication of various *inedita*. The subject has considerable bearing on the history of religion as well as our knowledge of the mathematical chronology of the ancients. F. Gerlich, *Die Technik der römisch-pompejanischen Wandmalerei*. Account of investigations undertaken under the auspices of the *Deutsche Gesellschaft zur Förderung rationellen Malerfahrens*. Vitruvius' directions (7. 3. 7) interpreted in the light of these. Practical utility thereof recognised by the painter Bocklin, who secured by following them the advantage of being able to paint frescoes on plaster that had been applied fourteen days previously. Berger's views (esp. on Punic wax) refuted. 'We may now state definitely that the method adopted for wall painting at Pompeii was a modified fresco one, or, more accurately, one in which lime was used as a binding material.' Max Schneidewin, *E. v. Hartmann's Grundriss der Erkenntnislehre. Anzeigen und Mitteilungen*: Witkowski's *Epp. privatae Graecae* favourably reviewed by K. Scherling. [22. 2 R. Schmertusch von Riesenhal, *Eine ungedruckte 'Isagoge' des Humanisten Cocinus zu Ciceros 'De oratore'*]

Rheinisches Museum. 63. 1. 1908.

H. van Herwerden, *Luciana* (based on Nilén's ed.). W. Süss, *Zur Komposition der altattischen Komödie*. The Aristophanic plays preserve the record of two original types, (a) one in which the chief character is a *βωμολόχος* and serves to join a number of loosely connected scenes, the other (b) in which there is a debate between two people and a third person (slave or companion) plays the part of *βωμολόχος*. Class (a) perhaps regularly ended with a scene of conviviality or general merry-making, (b) perhaps regularly began with an introductory scene between two slaves. Th. Birt, *Buchwesen und Bauwesen*. The book-roll in the Ionic capital and frieze. Trajan's column intended to represent a pillar with a book rolled around it; cp. the Delphic serpent-pillar, itself suggestive of the *scytae*. F. Reuss, *Hellenistische Beiträge*. 3. Clitarchus not contemporary with Alexander. He shows a knowledge of Timaeus, and his geography points to a period after Patrocles' investigation of the Caspian. Some evidence of the use of Eratosthenes. P. Jahn, *Vergil und die Ciris*. Gives tables to shew that it is probable that Ovid knew our *Ciris* and that Prop. and Tib. knew one at least similar to ours. The possibility of V.'s authorship and use of it in the earlier parts of his undisputed works (*i.e.* until he got weary of it) illustrated by a collection of his 'self-loans' in *Georgics* 4. 158-222. Catal. 11 and 12 look like the work of the author of the *Ciris*; the tradition that assigns all three

to V. is therefore not without support. The introd. to the Ciris would tally with V's position after he had composed some of the Catalepta. H. Ehrlich, *Die epische Zerdehnung*. Circumflexed contracted vowels of all kinds in closed syllables, and in open syllables where they result from at least one long vowel or a diphthong, may reckon as of more than 2 morae. The process also applies to long diphthongs (āi, āv) before a consonant, vowels that acquire the value of 3 morae by compensatory lengthening (κηῖναι), circumflexed monosyllables. H. Rabe, *Aus Rhetoren-Handschriften*. 5. Interesting extracts from a Vat. MS containing new fragments of Euripides (Pirithous, Melanippe, and Bellerophon), a *chria* of Susarion, etc. *Miscellen*. J. M. Stahl, *Methana bei Thukyd.* In 5. 45. 2 the isthmus not the town is meant, hence ἡ Μῆδαια τὴν (sc. γῆν) μεταξὺ, etc., is grammatical enough. F. B., *Procopiana*. F. von Velsen, *Zu Horaz Serm.* 2. 1. 86. *Tabulae* the copy of the libel produced in court, *soluentur* '(the offence) will be atoned for, wiped out.' J. H. Lipsius, *Zu Val. Flacc.* Finds in the double version of 2. 213 sqq. in V a proof that the MS from which it was copied had 25 lines per page, which is exactly what is assumed for that of S: probably therefore both V and S came from one original. F. Rühl, *Q. Curtius über den indischen Kalender*. In Curt. 8. 9. 35 *dies* denotes Indian *tithi*, *orbem implevit* means 'finished its course.'

Mnemosyne. 36. 1. 1908.

S. A. Naber, *Platonica* (from vol. 35). Pp. 217B-220A. M. V. *Ad Iliad*, H 195-199 vv. 197-9 alone interpolated: δόδμεν refers not only to Ajax, but also to his comrades. C. Brakman, *Apuleiana* (from vol. 35). A. G. Roos, *J. C. Roëskii animadversiones ad Arriani Anabasin* (from copies of his notes preserved in the library at Copenhagen). P. H. D., *Emendatur Stat. Ach.* 1. 87. For *undabit* read *mutabit*, 'dye' (Theb. 7. 71, p. 257, 359, etc.). H. v. Herwerden, *Ad noua fragm. in libro Berliner Klassikertexte*, V. 2. J. C. Naber, *Observ. de iure Romano*. 99. *Compensatio quotuplex*. M. Valetton, *De nonnullis Demosthenis et Aeschini controversiis*. 1. De pace Philocrateae. Opposes Beloch's views: the first Athenian embassy did not come to any definite understanding with Philip as regards the fate of Phocis. We may infer from Dem. F.L. 144 that Aesch. himself persuaded the people to rescind the law to which he refers in F.L. 63 sqq. as evidence that he could not have spoken at the second assembly. Ctes. 71 shows that speeches were made at this meeting. Philip did buy dilatoriness of the second embassy, but Dem. was guilty of malicious statements—e.g. when he charged Aesch. with the responsibility for the death of Cersobleptes. 2. De bello Amphissaeo. Thinks that Aesch. did good service in diverting the attack of the Amphictyons from Athens, though it is quite possible that, once the danger was over, he did his best to secure for Philip the chief command of the Amphictyonic army. S. A. N., *Valchenarium*. P. H. Damsté, *Ad Ciceronis orationem pro M. Caelio adnot. critt.*

36. 2. 1908.

J. J. H., *Ad Plutarchum*. In *Præc. reip. gr.* 823B read ἐπιφθονος παρασημοῖς. J. Vürtheim, *Italica*. Consideration of various passages of Verg. and Ovid. Halaesus of Aen. 7. 723 sqq. is in Ou. F. 4. 74 the founder of Falerii. Seruius tells us he was praised in the songs of the Salii of Veii. Ou. Am. 3. 13. 35 connects him with the worship of Juno at Falerii. But this worship, as described l.c. by Ovid, is not specially Greek (in spite of l. 31). At Rome, Falerii, Tibur, and in Picenum we find a Sabine goddess called Juno Curitis, and at the first three of these places we also find Salii: there seem to be traces of an originally Sabine ritual, having reference to human fertility, which spread to regions of Etruria, Latium and Campania. It was concerned with a male deity (presiding over a college of priests such as the Satei or Lupercalæ, evoking by dance or song or other means the productive powers of the earth, of man, etc.), and a Juno who wears a goat-skin. The Dioscuri seem to have

been regarded as connected with the worship of Juno. H. van H. pp. 154-2. tion of C. Clodia a ence to Plutarchu κατ' ἀρετήν Ad Lygdo 3. 9 per 6. 40 fleu the diffic near the ἐν λίμναι Emendati Theages,

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been regarded by the people as healing gods (? hence the use of *ecastor*, *edepol*): Juturna, connected with them by Dionysius and Plutarch, may have been a medicinal fountain. H. van Herwerden, *Ad Porphyrogeniti excerpta de sententiis ex Polybio*. Conjectures on pp. 154-221 of Boissvain's edition. J. van Wageningen, *De pyxide Caeliana*. Explanation of Cic. *Cacl.* 69. When the story of the poison episode got abroad someone sent Clodia a box with the inscription *pyxis Coeliaca*, with a pun on *caeliana* and a reference to the use of *κοιλιακός* in reference to pains of the stomach. J. J. H., *Ad Plutarchum*. In *de Stoic. rep.* 1048 E read τὸ δὲ τοῖς γανομένων ἀγαθὸς ἄλλως κρίνειν ἢ κατ' ὁρεῖν καὶ ἰσχυρὸν οὐδὲν ἐστι. J. C. Vollgraff, *Thucydidea*. Text of Bk. 8. P. H. Damsté, *Ad Lygdami Elegias*. Defence of text in 1. 8, 4. 11 sqq. (but *at tamen* for *et t.*): in 3. 9 *permissio* for *-menso*, 4. 45 Bacchus a gloss (? *mollis*), 5. 22 *ruaque* for *duraque*, 6. 40 *fleuit* in for *fleuiste*. In the Panegyric l. 181 read *nec* for *non* ('still, spite of the difficulties, I will try'). C. G. Vollgraff, ΔΙΟΝΥΣΟΣ ΕΝ ΑΙΜΝΑΙΣ. The temple near the theatre of Athens which is ascribed to the sixth century is that of Dionysus, ἐν λίμναις. J. J. H., *Ad Plutarchum*. Six passages emended. S. A. Naber, *Platonica*. Emendations of passages from the Phaedrus, Alcibiades 1 and 2, Hipparchus, Rivaes, Theages, Charmides, Laches and Lysis.

Archiv für lat. Lexikographie, etc. 15. 3. 1907.

W. Konjetzny, *De idiotismis syntacticis in titulis urbanis*. 1. De congruentia. 2. De syntaxi casuum. 3. De syntaxi pronominum. 4. De syntaxi uerborum. 5. De reliquis syntaxeos partibus. O. Hey, *Zu den Gerundivkonstruktionen. Relinquendos existimavi*, etc. in the younger Pliny. L. Havet, *Das Verbum eluere, 'sich zu Grunde richten'*. Its existence proved for six Plautine passages. But *helluo*, *helluari* are not connected with it, spite of Verrius Flaccus' deriv. of these words from *eluere*. M. Pokrowskij, *Zur lat. Stammbildungslehre. Proletarius* from **proletus*, 'a citizen with children.' Confusion of suffixes (-ali-, -ario-, -aneo-; -bili-, -li-; -iā-, -iē-, -io-). Many cases quoted as exx. of the transition in later times of 3rd conj. verbs to the first are really only cases of the confusion of pres. indic., pres. subj. and fut. ind. C. Weyman, *Manere = esse*. So in the poets (e.g. Sil. 12. 116); later, no distinction between them. The editor, *Aus dem Latein des Vergilerklärers Donat*. R. v. Planta, *Ein rätomanisches Sprachdenkmal aus dem zwölften Jahrhundert*. Text from a page of an Einsiedl MS., on which a Romance translation is written between the lines of a Latin sermon. Commentary and discussion of its provenance. A. Zimmermann, *Noch einmal die Etymologie von secus*. A. Klotz, *Klassizismus und Archaismus*. Examination of Statius' archaisms. The wish to avoid the commonplace, ordinary expression leads to the imitation of recognised models; and the taste for the archaic is only a step further on the road that led to Classicism. Tacitus a good example of this. *Miscellen*: A. Klotz, *Ultuisse*. A defence of its appearance in the MS. of Alcimus Avitus ep. 72, partly on rhythmical grounds. A. Zimmermann, *Noch einmal donec*. An inscription which ends *ut cum coniuge suo ponatur quam donec* proves the existence of a form *quandonique* (*quandonec*) between the forms *quandone* and *quandoque*. R. Meister, *Zu Coripp. laud. Iust. iv 354*. Defends the text in l. 350 and Mommsen's conj. *carneras animas* in 354; proposes to read *mortis poena futura* at the end of the line. H. Jacobsohn, *Mytilius*. Read *Mytilio*, not *Mitylo*, etc., in Troguus *Prolog.* 25. *Brutes*. Another exx. of the word in No. 255, *Suppl.* vol. to *Corpus V. Contumelia*. Connected with *temerare*, 'to dishonour.' P. Germann, *Die sogenannten Varronischen Sentenzen*. The 'Papirianus' of the Trin. Coll. (Dublin) MS. is a corruption for the name of Seneca's teacher, Papirius Fabianus. R. Samter, *Quinguevir*. A new explanation of *recoctus scriba ex quingueviro* of Horace. LITERATUR 1906, 1907. Among books noticed are Löfstedt's *Beiträge zur Kenntnis der späteren Latinität*, Pichon's *Études sur l'histoire de la litt. lat. dans les Gaules: les derniers écrivains profanes*, and *Die Kultur der Gegenwart*.

Rivista di Filologia e d'Istruzione Classica. Vol. 36. No. 2. 1908.

Horatian Trifles, Luigi Valmaggi. Notes on Epode 2. *Achaioi, Argeioi, Danaoi* in the *Homeric Poems*, Carlo Oreste Zuretti. Disputes the validity of the conclusions which A. Della Seta draws from his statistics of the occurrences of the proper names 'Achaioi', 'Argeioi' and 'Danaoi', Τρῳίη and Ἴλιος, Ἀθήνη and Ἀθηναίη, Πάρις and Ἀλέξανδρος in the Homeric poems. *The Federal Assemblies of the Achaeans*, Gaetano de Sanctis. Discussion of the differences between συνέδος and σύγκλητος. *Quid Asinius Pollio de quibusdam suae aetatis scriptoribus senserit*, Maximus Lenchantin de Gubernatis. Examination of the literary criticisms quoted by the ancients from Pollio. Pollio's asperity was due in part to his chafing under the restrictions of the imperial régime. Book Reviews: De Sanctis's *Storia dei Romani: La conquista del primato in Italia*, L. Cantarelli. Schubert-Hüter's *Sophokles Antigone* and Cauer's *Odyssee (Part II)*, Placido Caesareo, *Tebtunis Papyri* (II.), G. Fraccaroli. Rasi's *Le Epistole di Q. Orazio Flacco*, Scheindler's *Herodot. Auswahl*, Cauer's *Ilias* (sch. ed.), Leon. Levegghi's *Christ's Odyssea* (sch. ed.), A. Balsamo. Pöhlmann's *Grundriss der griech. Geschichte* (ed. 3), Niese's *Grundriss der römischen Geschichte* (ed. 3), Chabert's *Histoire sommaire des études d'épigraphie grecque*, Foucart's *Sénatus-Consulte de Thésbé*, Mahaffy's *The Silver Age of the Greek World*, G. de Sanctis. B. Powell's *Erichthonius and the three daughters of Cecrops*, *Harvard Studies in Classical Philology* (1906), D. Bassi. De Marchi's *Apologisti Cristiani*, P. Rasi. Achille Beltrami's *Le tendenze letterarie negli scritti di Frontone*, L. Valmaggi. Getzlaff's *Quaestiones Babrianae et Pseudo-Dositheanae*, Arnaldo Beltrami. Harry's *Aeschylus Prometheus*, Angelo Taccone. C. Pascal's *Seneca*, Giarratano's *Blossii Aemilii Dracontii Orestes*, F. Calonghi. Summaries of Periodicals, Domenico Bassi.

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